

The University of Chicago

THE POINT OF HONOR IN
SIXTEENTH-CENTURY ITALY:
AN ASPECT OF THE LIFE OF
THE GENTLEMAN

A PART OF A DISSERTATION SUBMITTED TO THE FACULTY
OF THE DIVISION OF THE HUMANITIES IN CANDIDACY
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY

DEPARTMENT OF ROMANCE LANGUAGES AND LITERATURES

1933

By

FREDERICK ROBERTSON BRYSON

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F. R. B.

Chicago, Illinois

"The sentiment of honor is that enigmatic mixture of conscience and egoism which often survives in the modern man after he has lost, whether by his own fault or not, faith, love, and hope."
(Burckhardt, Part VI, ch. I)

PREFACE

The Italian writers of the sixteenth century, so fertile in the discussion of theories, have probably more than those of any other time or place, treated of the concept of gentility. This they did not only in works of fiction, such as romantic poems of chivalry and realistic *novelle*; but more especially in a great number of treatises of which two are famous, Castiglione's *Il Cortegiano* and Della Casa's *Galateo*.

These various authors recognized, moreover, that no phase of the subject of gentility is more fundamental than the idea of honor. Hence they discussed its definition, the qualifications which caused its possession, the ways by which it might be forfeited, and the methods used for its restoration. One of these methods was the duel; but the literature concerning this institution is so extensive that the subject merits treatment in a separate work.¹

¹ The present writer has completed such a study, which he hopes to publish in the near future. It forms the larger portion of the University of Chicago dissertation to which this discussion of honor may serve as an introduction.

Some of these theories of honor, finally, had their roots in antiquity; and some were destined to persist, more or less modified, to our own time. The former were derived largely from Aristotle. As for present survivals, an example is the fact that those who are accused of even the most grave offenses do not ordinarily reply by making a physical attack, but they give the lie. This latter insult, however, according to public opinion in certain localities, must be resented by one's inflicting, or attempting to inflict, a blow. In the discussion of honor, as in that of so many other matters, sixteenth-century Italy is a conspicuous link in the chain which connects ancient Greece with our life of today.

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CHAPTER I

THE MEANING OF HONOR

Towards the end of the sixteenth century, Zarrabini remarked that most of the discord among men arose from questions concerning honor (1).¹ This was because honor was held to imply not only good character but also good reputation; and the latter was subject to a code which was technical and rigorous, and which included even matters apparently trivial. Hence there resulted endless discussion and quarreling. Although "the point of honor" received much attention in all the nations of Europe,² moreover, the most numerous written works on this, as on other subjects of theoretical discussion, were produced in Italy.³

These tractates devoted specifically to this subject came into vogue about the middle of the sixteenth century. Patrizi (1553) said that so far as he knew his book was the first attempt to give to honor a definition (2); and Muzio (1560) asserted that he himself first treated

¹ For numbers in parentheses, see the table of References.

² Among those who were noted as being especially meticulous in this matter were the Spaniards, the alleged reason being that so many of them were of noble blood. The Neapolitans, moreover, were reputed to spend their lives in quibbling over punctilios; such as deciding which of two parties should first doff his cap, or whether one showed an unfriendly countenance or spoke presumptuously.—Castiglione, *Sabba da*, p. 102r; *Urrea* pp. B-B2, 118r.

³ Two of the authors cited in the present study, Castillo and Urrea, were Spaniards; and another, Cottereau, was a Frenchman. But treatises of the two Spaniards concerning honor and the duel were published in Italy, the book of Urrea was translated into Italian, Castillo and Cottereau were cited by Italian authorities in this field, and the discussion by these three foreigners shows no essential difference from that of the Italians.

of many important points of honor and invented their technical names (3).

Much of the Italian discussion of honor, as of so many other matters, had its source in Aristotle. In 1547 Antonio Bernardi spoke of honor and the duel in connection with a course of lectures which he gave at Rome on Aristotle's theories of ethics (4); and although Bernardi was a cleric, Nobili noted that in matters of honor Bernardi rejected all the expositors of the Bible and accepted only Aristotle. As to the merit of the latter as compared with Plato, moreover, Bernardi remarked that many pupils are better than their teachers (5). Aristotle was furthermore the starting-point for the above-mentioned work of Patrizi; and according to Antonio Possevino, Aristotle was the first to discuss honor, or at least to state principles which settled many questions about honor, the making of peace, the duel, etc. (6). At the end of the century, finally, the doctrine of Aristotle was avowedly the basis for the tractate of Valmarana (7). So Aristotle profoundly influenced the Italian discussions of honor, which were notable features of the second half of the century.

A statement of Aristotle which was frequently noted in this period is that "honor is the prize of virtue⁴ and is paid to none but the good." In the first place, honor is external; as examples Aristotle mentions "sacrifices, memorials in verse and prose, special distinctions, allotments of land, the foremost seats on public occasions, sepulchral monuments, statues, maintenance at the public charge, barbaric compliments, as for example the prostrating oneself before a person or giving him place, and such presents as are valued in the par-

⁴ For various conceptions of "virtue" see Appendix A.

ticular country where they are made." Aristotle also said that honor seems to depend more upon those who render it than upon those to whom it is rendered. As for virtue, he characterized it as a "state of deliberate moral purpose," a state "lying between two vices, a vice of excess on the one side, and a vice of deficiency on the other"; and the elements of virtue he held to be "justice, valor, temperance, magnificence, magnanimity, liberality, gentleness, sagacity, and speculative wisdom." He said, finally, that no moral virtue is implanted by nature, but is a result of habit (8).

The theory of honor as the reward of virtue was accepted by certain Italian writers of the sixteenth century. Bernardi held that one who is without virtue cannot rightly have honor: he is not a member of human society, but is a wild beast (9). According to Valmarana, honor results from virtue like the casting of a shadow; and as the shadow depends upon the existence of light, so honor is evident only when virtue is recognized (10).

There was general agreement, moreover, with Aristotle's statement that honor seems to depend more upon those who render it than upon those to whom it is rendered. In the one who is honored, it is secondary or potential: in the one who honors, it is primary or active. The writers held that this is true, moreover, not only when honor is manifested, but also when men confer it tacitly (11).

Some, furthermore, endorsed the statement that the only source of virtue is habit. Betti said that although those who do acts which are good but are not the result of habit are honored in order to encourage them to persevere in virtue, yet honor is really due only to those who are virtuous because of habit (12). Camerata noted,

however, that the fact that an act is the result of habit is always presumed (13).

Yet Aristotle's statement that honor is the reward of virtue was subjected to criticism. In the book of Patrizi, for example, it is noted that virtue, being a matter of habit, cannot be gained by one act alone; whereas if a man untrained in arms should defeat a veteran, the former would gain great honor (14).

But the chief objection to Aristotle's statement was the fact that according to him honor is something conferred from without, rather than a quality dwelling within the mind or heart. According to Attendoli, it is not necessary that the reward of virtue shall be seen: it is sufficient that it shall be deserved (15). Some noted that, as was admitted by Aristotle, the reward given to virtue is not the essence of honor, but its result: it is not the substance of honor, but one of its "accidents." But Pigna, recalling that "substance" and "accident" are philosophically inseparable, held that the honor which is a reward may cause the recipient to act virtuously and thus create within himself the honor which is perfect (16). As stated by Valmarana, finally, honor is something which is deserved from men who are good, rather than something which is obtained from men who are evil (17).

Regarding honor, then, as an indwelling quality, some seem to have identified it with virtue itself. According to Fausto da Longiano, the laws of honor are the moral virtues (18). Thonnina held that honor, firm as a rock in the essence of every knight, is a state of constant virtue, of never having done or endured any infamy or even any reproach; but of having done, and continuing to do, acts of virtue (19). According to Nobili, honor

as synonymous with virtue is exemplified in the story of Regulus, who preferred honor to life (20).

This kind of honor was called the *onesto*. It is so completely hidden in the individual, to be sure, that it can be truly perceived only by him; and unlike the honor that means "reputation," and so depends upon the will of others, it is desired for its own sake. But one of the speakers in a dialogue of Giraldi Cinzio remarked that where there is no *onesto* there can be no true honor (21).

It was probably because of the identification of honor with virtue that in the dialogue of Patrizi it is asserted that "honor is an uncorrupted state of nature."⁵ Aristotle, to be sure, by his statement that no moral virtue is implanted by nature (22), had implied that nature is not the source of "the reward of virtue," which is honor. But Vieri seems to have suggested such a relation when he said that the bodies of the men who most desire honor are better "tempered" than those of others; that is, they have a better mixture of heat, cold, dryness, and moisture. As a result, their flesh is more delicate, their "humors" more refined, and their "spirits" more subtle (23). Whether this be true or not, an interlocutor in the book of Patrizi maintained that honor is uncorrupted because it is unchanged from what it was in the beginning; and because of this unchangeableness it is a state and is perhaps synonymous with nature: whereas all creatures continually degenerate, nature, the instrument by which they are created, cannot suffer corruption.

⁵ See also Romei, p. 83. Cf. the sophisticated nature suggested by the familiar passage of Rabelais:

"Free people, of good birth, of good education, associating together in good society, have by nature an instinct and incentive which always impels them to virtuous deeds and withdraws them from vice: this (impulse) they call honor."—*Gargantua*, I, 57, cited by Burckhardt, p. 433.

But the opposing speaker in the dialogue held that this theory is untenable. In the first place, he said, honor is not necessarily "uncorrupted." Man, like all other corporeal things, is composed of matter and of "form": the "matter" is his body, and the "form" is that which vivifies and governs his body; namely, the soul. So if honor is "an uncorrupted state of nature," it is the uncorrupted state of both body and soul. But one who for the sake of honor is killed or wounded suffers corruption as to his body.

In the next place, honor is not a "state." If man's honor comes from both his body and his soul, it comprises the whole man. But although man is "the human reasoning animal," nature often produces men who are weak in both body and mind. Hence there is lacking that which produces a state; namely, stability. If this were the essence of honor, moreover, the latter would resemble ignorance. The reasoning is as follows:

The contrary of ignorance is truth, to find which is the purpose of reason: therefore ignorance is contrary to reason. The latter, moreover, is "discursive," and hence is a "movement"; and every movement has a corresponding contrary state, which is stability. Therefore ignorance is a state. It follows that if honor is good because it is a state, ignorance is good also.

The speaker noted, finally, that since honor sometimes depends on riches or nobility, it cannot be a "state of nature." It is evident that neither riches nor nobility can constitute a state of nature in one who was formerly poor or a plebeian. Since riches and nobility, moreover, are either good or bad only according to how they are used, they lack stability, and hence do not constitute any

kind of state, even in one who is rich or noble by birth (24).

The "nature" theory of honor also appears in a modified form in the statement that honor is uncorrupted only when its possessor is conscious of its presence. Otherwise, he may be stripped of honor by other men; and there is no merit in possessing that of which one is unconscious (25).

In distinction from these writers, who more or less identified honor with virtue in general, some realized that the terms are not synonymous. Antonio Possevino, for example, noted that a man's honor, unlike his virtue, is something which other men can take from him (26); and Sabba da Castiglione suggested a distinction when he said that an honorable *and* virtuous man is like marble, which when covered with charcoal does not lose its innate whiteness (27).

Yet the code of honor was to a large extent based upon the identification of honor with two specific virtues, valor and justice. Here again the theorists had recourse to Aristotle. His conception of honor as the reward of virtue was an ideal; but he said that since according to the popular belief a man's virtue consists largely of his ability, active or latent, to confer benefits upon other men, honor is "a sign of a reputation for beneficence." This implies, first of all, that a man should receive honor only because of his manifested or potential actions. As for the specific quality of beneficence, Aristotle noted that it is most highly esteemed when it consists of the exercise of valor and justice. This is because a man is most useful to others by means of his valor in war, and his justice in both war and peace (28).

A number of the sixteenth-century writers followed Aristotle in noting that the virtue which is honored is manifested by actions (29). Urrea, for example, said that honor is sufficient reward not of virtue, but of virtue's effects: without these, virtue is like a clear eye which does not see (30).

Some of the authorities on honor also accepted Aristotle's description of it as a "sign of a reputation for beneficence" (31). Nobili, to be sure, noting that a man's good reputation gives him an authority by which he can be useful to many, spoke of beneficence not as the cause of reputation but as its effect (32). But in a *novella* of Giraldi Cinzio it is said that honor is one of the most cherished external rewards of virtuous actions which one does for the benefit of others (33); according to Betti, greater honor is given to the virtue of a man who helps others (34); Tasso noted that one honors the beneficence of God more than His supremacy, and similarly one most honors those men from whom one receives most benefit (35); and Albergati held that nature has given to men a certain impulse to esteem and venerate excellence in other people, especially when this includes beneficence, so that one obtains, or hopes to obtain, advantages (36).

Yet the theory of "beneficence" had its critics. Thonina said that Aristotle's phrase is not applicable to honor in general; but, like the question as to whether honor dwells in the one who honors or in the one who is honored, it concerns rather political honor (37). Zuccolo noted that Aristotle here followed his custom of adjusting his opinion to that of the common people (38).

But at any rate, a number of writers agreed with Aristotle's conception of honor as being of two kinds. Pigna

said that one kind is the true honor given to "excellent virtue": it consists of the praise of the good by the good, and it comes or goes according to the possessor's own actions. The other kind is the sign of the opinion which one has of another's power to benefit or to injure: this kind of honor, depending chiefly upon those who confer it, can be taken away without the possessor's fault (39).

According to Landi, the divisions are: true honor, which consists of the possessor's inward virtue; and the honor which others confer as this virtue's reward. The former kind, unlike the latter, does not depend on fortune and can be lost only by the fault of the possessor: it is intrinsic. The latter kind consists of either praise and reverence or of honorable official positions. The praise and the reverence are intrinsic as to the man by whom honor is rendered, but extrinsic as to the man who is honored. Such honor is given just as one bears a light for another: the latter receives the light, but the bearer is nearer to it. The honor may or may not be deserved: in the former case, it is truly the "reward of virtue." As for honorable official positions, these may result from praise and reverence, which are based upon the recipient's virtue: so the latter may be the ultimate source of these official positions. But since they are subject to fortune, even without the possessor's fault they can be taken away; and since they stand apart from both the giver and the recipient, they are, as to both parties, entirely extrinsic (40).

Romei conceived of the two kinds of honor as the acquired and perfect, and the innate and imperfect. The former, which is that bestowed for beneficence, is given to either actual benefactors or to those who are able to be such because of their riches or virtues. It is either

permanent, as statues and other memorials; or it is not permanent, as bowing, kissing the hand, lifting the cap, yielding one's place, etc. The second kind of honor, the innate and imperfect, which is a sort of predisposition towards the honor which is acquired and perfect, is a general belief that one has never failed in justice or valor. So this is a matter not of knowledge, but of opinion. It is the kind of honor on which is based the duel (41).

Speroni considered honor under the two headings of true honor, and that honor which is mingled with man's natural imperfections. The former consists of his acting by intelligence and religion. This is his true honor, even if he is isolated from society. Yet Speroni held that one who lives solitary is not human, but is either a beast or a god (42).

The previously-mentioned definitions or descriptions of honor are not exhaustive. In a dialogue by Guazzo, for example, there are mentioned five opinions. According to one of these, honor is an ornament. So the honor of the sky consists of the stars, that of the human body is beauty, and that of the mind or heart is virtue. To others, honor is authority and rank. Others considered it to be reputation. Still others identified it with uprightness. The interlocutor himself held, with philosophers and theologians, that it is a certain reverence rendered in testimony of the recipient's virtue (43). In the early part of the eighteenth century, moreover, Maffei, who discussed at great length the Italian duelling-code of the sixteenth century, noted that the authorities on honor had given for it not less than twenty different definitions. So he concluded that its meaning is arbitrary: variations in time and place cause honor to

depend upon features which contradict one another (44).

Yet the authorities on the code of the sixteenth century seem to have agreed that honor implies the presence of the two virtues which, according to Aristotle, are most highly prized by public opinion; namely, valor and justice. With regard to the former, Marozzo said that cowards are not worthy to look upon the face of their prince, and are regarded as dead or as having never been born; whereas those who have died for their country, for their lords, and for their honor are immortal (45). But Pigna made the qualification that temporary cowardice due to inexperience although it causes shame and the presumption that the cowardice will be permanent, should not cause irrevocable loss of honor; for habit is not only, as was said by Aristotle, an essential of virtue, but it is also an essential of vice, such as cowardice (46). As for the second of the two essential virtues, Agrippa declared that the greatest valor, even if united with skill and intelligence, avails little if it is not accompanied by justice (47). According to Romei, this virtue may even be considered as the one essential; for it includes valor: a brave man may be unjust; but since it is injustice not to risk life for that for which life should be offered, or not to resent an undeserved offense, a just man cannot be cowardly (48).

Finally, Aristotle's reference to honor rendered because of the presumption that a man is beneficent (49), and the conception of honor as "an uncorrupted state of nature," were probably the sources of the doctrine that even if one's worthiness has not been made manifest, yet it should be presumed. Thonnina, to be sure, said that one who has neither done nor suffered anything disgraceful or infamous, but has never acted with the virtue

demanding by his station in life, is not sufficiently honorable to give or accept a challenge to a duel (50); and Nobili held that true honor cannot be conferred upon one whose virtue is not genuine (51). But others noted that although a man's apparently good actions may be due only to his riches, nobility, power, etc., which in themselves are neither good nor bad; yet according to popular opinion, God will not allow riches to one who is not good, one of noble blood cannot be wicked, one cannot attain to honorable positions without merit, and a bad ruler will not be endured by either God or men. At any rate, one should value that which is only apparently good; for it is the image of the virtue which is genuine (52). So in the absence of proof to the contrary, one is presumed to be honorable (53).

There is a presumption, likewise, that men honor one another. Aristotle had discussed the nature of insults under the headings of contempt, spitefulness, and insolence (54): by refraining from such indications of disrespect, one may be considered to render honor tacitly.

From these various considerations it is apparent that the code of honor is concerned less with virtue than with reputation.⁶ According to Aristotle, "to have a high reputation is to be regarded by everybody as a man of honor" (55); and in sixteenth-century Italy honor was defined as a general opinion among gentlemen that one has not lacked either valor or justice (56).

Although one's moral virtue might be deficient, moreover, the demands of so-called "knightly honor" were

⁶ The classical story of Lucretia, remarked Nobili, showed a conflict between two kinds of honor. One kind she lost by yielding to Tarquin; but if she had not done so, men would have believed that she had committed adultery with a slave. So the honor to which she gave precedence was synonymous with good reputation. Susanna, however, in the story of the Elders, acted otherwise.—*Discorsi*, p. 2v.

considered inexorable. Some of the writers discussed it as follows:

It is to be preferred to one's father, one's ruler, one's country, and life itself. Honor includes all these, and the possessor of honor has the right relation to them. Men owe most to that which gives them most benefit; and since nature, the source of honor, gives them both body and soul, they owe most to nature. As for one's father, he is only nature's instrument; whereas honor is nature's product (57). As for one's ruler, if, for example, he forbids the acceptance of a challenge to a duel, one must disobey him even if this causes banishment and loss of property: a man must risk for his prince life but not honor (58). As for one's country, each of its citizens owes it allegiance because he is a human being; but he is not really human unless he is honorable (59). As for life, that which is physical is transitory; whereas honor implies the favor of good men, which gives a life that is immortal (60). Since it is honor that causes a knight to risk his life for the weak and oppressed and for prince, country, and God, much more must he risk it for honor itself (61).

This exaltation of honor above life, however, sometimes failed in actual practice. Marozzo noted that although many knights professed to prefer death with honor rather than life with shame, the number who had acted in accordance with this assertion was small (62). According to Zuccolo, there were so few truly honorable men that they could almost be counted on one's fingers (63).

Yet honor, at least as a theory, continued to be regarded either as a quality which consists of the union of valor and justice, or of the respect which a man's possession

of these virtues inspires in his fellows. Each of these definitions or descriptions is based upon the doctrine of Aristotle, as is also the assertion that practical honor is a matter of opinion: a man of honor was generally held to be one who, whether good or bad, has not lost the good opinion of the world (64).

CHAPTER II

THE POSSESSORS OF HONOR

The code of honor divided all society into two classes, those who were capable of honor and those who were not. The former class consisted of men of noble rank, soldiers, and simple gentlemen.

In theory, a noble was defined as "one worthy to be known,"¹ and true nobility was described as a precious garment with which virtue clothes the soul. Yet this metaphor was modified: according to Muzio, those of noble blood who are more noble by their own virtue wear gold-embroidered garments of silk; those who become noble by their own efforts wear similarly decorated garments of wool; and those noble by birth but not by virtue wear garments of silk stained with mud (1).

But although moral virtue made even a private citizen essentially "noble," it could not give him rank; for it could not be proved in a court of law (2). Hence the nobility which depended upon rank was based not upon moral virtue but upon virtue which is "natural." The latter was considered superior, however, to the "natural" virtue of fire, water, etc., for man can overcome his natural tendencies by means of reason (3).

Nobility might arise, moreover, from a number of causes. There was a nobility which was conferred simply at the will of a prince, another which was due to ability

¹ Ancient Latin writers, such as Plautus, used *nobilis* in the sense of "well-known." (Alciato, *Duello*, p. 33v). But Dante said that if this were the meaning of *nobile*, Asdente, the shoe-maker, would be the most noble citizen of Parma (*Convivio*, IV, 16; cf. Tasso, *Il Forno*, p. 115).

in war, a third which depended on inherited wealth, and still another which consisted of belonging to an illustrious family. With regard to the duel, that person was generally considered the most noble who displayed the greatest valor. As for wealth, it was held to be more honorable when acquired without the possessor's own labor: according to some, he who labors in order to gain is avaricious.² As to nobility which comes from birth, it was called the virtue of a family honored by old and continuous distinction (4).

It is to be noted that practical nobility, as distinguished from the theoretical, was not necessarily permanent. Not only could it be taken away because of some great crime (5), but the nobles were also considered as losing their rank if they did not follow the profession of soldiers,³ or if they did not live as good citizens (6).

The noble, finally, although generally exempt from fighting a duel with one of lesser rank, had special obligations of honor. For example, the common man when unarmed and outnumbered might, without dishonor, flee;

² Emperor Frederick II defined nobility as "the long-standing possession of riches, with good habits and good manners"; and Dante wrote:

"Tale impero che gentilezza volse,

.....
che fosse antica possession d'avere." (*Convivio*, IV, Canz. III, 21-23).

"vostra gente onrata non si sfregia

del pregio de la borsa et de la spada." (*Purg.* VIII, 128-29).

(Cited by Tasso, *Il Forno*, pp. 115, 226-28, 266).

Citing the teaching of Christ, however, Dante also said that nobility is known by its fruits, which are the intellectual and moral virtues. (*Convivio*, IV, 16).

³ But Andrea d'Isernia (c. 1220-1316) and Baldo (fourteenth century) said that a noble who resided continuously in the country did not thereby lose his nobility: "the country cannot take away nobility from one who possesses it by nature." Bartolo (fourteenth century) cited the biblical books of Kings, for proof that temporal nobility was instituted by God (*Marozzo*, pp. 109v, 122v).

but not so the noble attacked by a common man—*noblesse oblige* (7).

Nobles were divided into two classes, according as to whether or not they possessed titles. The higher, or **titled**, nobility consisted of four groups. As to the titles, however, there was not entire agreement. One classification was the following: the *illustrissimi* (or *sopr'illustri*), who were the pope, the emperor, and kings who were under no superior authority — in the last-mentioned class was probably only the king of France; the *illustri*, who were the other kings and probably also the crowned dukes; the *spettabili*, who were the other dukes, the marquises, the counts, and other princes, provided that the members of this group obtained their rank from the emperor; and the *clarissimi*, who received their titles from lesser potentates (8). Another division was that into supreme princes, subject princes, *illustrissimi*, and *illustri* (9). According to the legal authorities, the four groups were: the *sovraindustri* (or *superillustri*), the *illustri*, the *chiarissimi*, and the *riguardevoli*. For the first of these, a more highly prized title was *serenissimi*, but the common people called them *illustrissimi*. A prince could receive no higher title. It was formerly given only to emperors, and to kings who did not receive their title from any superior; but afterwards it was extended to dukes who had royal power. These *illustrissimi* could create the princes of the second order, the *illustri*, who in turn could create marquises and counts, who were also *illustri*, but were more properly called *chiarissimi*. The counts of Savoy and Flanders and the marquises of Ferrara and Mantua, however, had the dignity, authority, and power of dukes: so the supreme lords allowed them the title *serenissimi* (10).

So titles varied according to locality and certain other factors. Frequently one title was given to the first born child and another title to the second. It made a difference whether a noble was raised to his rank by a supreme prince or by a subject prince, whether he had a prince's full power or was like an ordinary judge, whether he had a large state, and whether he had nobles for vassals. As examples of the elastic use of titles, *eccelente* or *eccellentissimo* was held to pertain to a prince or to a physician; *illustre*, to a prince, a poet, or a great general. *Illustrissimo*, moreover, had two meanings: some used it with regard to lineage; others, with regard to high position. Among all the monarchies, this title was conferred upon only the house of Austria (11).

A title, moreover, sometimes shifted from one group to another. The following examples show how certain titles had changed at the time of Guazzo's *Dialoghi piacevoli* (1586):

A duke was a *serenissimo*; but he had formerly been called *altezza* and *eccellenza*. The latter title was now given to marquises. The former title of these, *signoria illustrissima*, was now applied to barons and counts. These in turn had passed on their title, *molto illustre*, to the counsellors of princes, whose former title, *illustre*, now belonged to those who were regarded simply as gentlemen. The gentleman had previously been a *molto magnifico*; but this was now appropriated by the merchant, whose former title *magnifico* now fell to surgeons and notaries. These had been called *messeri*, but this was now applied to mechanics. The old title of these, finally, which was *maestri*, now went to the executioners (12).

There was difference of opinion as to who constituted the lesser nobility, those without titles. For example, they might be either those who held public positions; or private persons who were illustrious, especially in war. This military distinction was held to ennoble not only a captain but equally a private soldier.⁴ According to some, the untitled nobles were those whose ancestors were governors, etc. or were illustrious for prowess in war, riches, or learning, especially in the field of law (13). Holding the theory, moreover, that a noble must have many noble ancestors, some said that not only must he be noble by nature, but his nobility must have descended through four generations (14). According to Sardo he must have at least three immediate noble ancestors; for "many" cannot be less than three (15).⁵

Next below this lesser nobility were the soldiers. These consisted of knights,⁶ and soldiers of the ordinary class. The former were called *cavalieri*, either because only gentlemen were permitted to fight on horseback, or because of the superior rank of the cavalry in the armies of ancient Rome (16). At any rate, as a result of the creation of the orders of knights in the Middle Ages even emperors and the highest kings took oath by the faith of a knight (17). By the civil law, knights were treated as

⁴ Andrea d'Isernia said that one became a noble because of military service for twenty years; or according to Bartolo, ten years (Marozzo, pp. 109rff, 111v).

⁵ Sardo also cited old authorities. He said that Homer sometimes when mentioning an excellent man named his father, his grandfather, and his greatgrandfather; Publius Decius said that the patricians were those who could cite the magistracy of their fathers and grandfathers; and Livy held that nobility required three noble generations. Dante, finally, wishing to show his own nobility, had mentioned an ancestor who preceded him by three generations (*Paradiso*, XV; Sardo, p. 52).

⁶ As to the origin of knighthood, see Appendix B.

nobles, for military offenses they were punished as nobles, they were not required to do certain services imposed upon their cities, and when old they were honored as nobles (18). Marozzo called the knights purgers of evil and destroyers of pride, and yet he himself revealed a scornful pride in behalf of these knights: he boasted that in time of peace they lived nobly on the money of the great, and served only nobles; while scholars, physicians, lawyers, etc., lived on poor fees. Contemptuous of these latter classes, he remarked that much more might be said, but propriety compelled him to be silent (19). Muzio's opinion was that in the knights there is a greater excellence than is generally found in persons who are merely gentlemen. It is proper, he said, for the knight to raise himself above the generality of men and with deeds of valor to requite not only offenses to himself but also those given to others, rather to pardon those done to himself and requite those inflicted upon others, to defend public and private justice, to free cities and kingdoms which are oppressed by tyrants, to give prudent counsel to princes and republics, and to show himself ready to carry out his counsel with his own hand (20).

According to Torelli, a soldier uses arms merely with skill, whereas a knight uses them with virtuous intention. Mercenaries may be excellent soldiers; but an action which may be praised in a soldier may be blamed in a knight. For a soldier, the goal is victory: for the knight, since he is ready to go, if necessary, to certain destruction, the goal is honor (21).⁷

The honor of being called knights, however, was sometimes sought, and even received, by foot-soldiers. To

⁷ But according to Maffei, the duelling-authorities made the error of ascribing to knights functions which were applicable only to the early days when they were members of military orders. (Maffei, p. 275).

deserve to be called a knight, said Muzio, it is not sufficient to be a cavalryman, but one must perform deeds worthy of such a rank; and a foot-soldier can by his valor become a knight. No knight is he who merely knows how to manage a horse, carry himself well, make a graceful appearance at tournaments and barriers, and is skilled in wrestling and handling all sorts of arms (22). Muzio noted also that the angels who fought Lucifer did not ride horses (23). Although *cavaliere* originally signified "cavalryman," said Alberghati, its true meaning denotes excellence in the art of war, uncorrupted faith, the fortitude of an unconquered spirit, and almost heroic *virtù* (24).

But it was not sufficient to be merely a soldier. A knight must also not be insolent, not condescend to think of a mean act, and not be in the least respect the debtor of his conscience (25).

The title "knight" was given, finally, not only to members of the orders of knighthood and to many soldiers, but even to civilians. Duke Ottavio Farnese granted it, for example, to non-military men such as Niccolò Ferrari, a gentleman and senator of Piacenza; and it was sometimes conferred upon doctors of law. In some cities it was usurped by the chief of police.

Although one of the interlocutors in the book of Guazzo held that knighthood should be confined to soldiers, another favored the knighting of scholars, provided that they had some understanding of military affairs (26). In fact, the term "knight" came to be used figuratively: Mora said that knights, guiding with the bridle of reason, spurred the intellect to travel along the road of justice (27). So "knight" became practically synonymous with "gentleman."

For this latter word the Italians used, besides *cavaliere*, the terms *uomo nobile*,⁸ *gentiluomo*, *uomo da bene*, and *uomo d'onore*. According to Fausto da Longiano, *cavaliere* was likely to be used in reference to a man of high rank; but *cavaliere*, *gentiluomo*, and *uomo da bene* all had essentially the same meaning (28).

But as to what this meaning was there was some difference of opinion. An example is afforded by the word *gentiluomo*. Since this originally meant "man of the family," it was at first applied to nobles, for they belonged to families which were known because of their ancestors (29).⁹ Even as late as the book of Urrea (1566), *gentiluomo* was defined as one who had been called a gentleman for a long time, or who had a coat-of-arms the motto of which showed antiquity (30).

There was much discussion concerning the expression *uomo da bene*. Massa understood it as meaning simply one who, as compared with others, had fewer defects (31). But Fausto da Longiano had held that the significance of the term depended upon one's vocation. Thus as applied to a merchant, it signified "honest"; to a man of letters, "learned"; and to a soldier, "valorous in arms." (32). The relation of honor to vocation was discussed as follows by Speroni:

There are three kinds of lives: the natural, the civic, and the life of appetite. In the natural life, which includes the sciences, one honors philosophers and clerics. In the civic life, one may confer true honor if reason is preferred to the senses, and the community is given precedence over the family — in other words if the public welfare is preferred to the private. In this civic

⁸ In Tuscany this was less commonly used than *gentiluomo* (Tasso, *Il Forno*, p. 115).

⁹ *Gentilhomme* was similarly used by the French (Sardo, p. 31).

life one honors physicians and lawyers. But sometimes men who are rich or are valiant in war are honored as being advantageous to the state, even though they may be ignorant and vicious. In the life of appetite, finally, the honor which one renders is born from fear, hope, or reward; and hence is not to be valued (33).

Landi said that since *beni* are of three kinds, the useful, the pleasant, and those concerning honor, it would be possible to give the name *uomo da bene* to one who is useful to others and to himself, or gives pleasure to others; but since the useful and the pleasant are often accompanied by vice, and since the true *uomo da bene* is virtuous, it is essential that he have the last of the above-mentioned *beni*, that concerning honor. The *uomo da bene* is moreover he who is guided by that which is the cause of virtue; namely, reason (34). Muzio, holding that the *uomo da bene* is the man who is virtuous, summed up his character in the statement that he does nothing which dishonors himself or offends others (35).

Albergati gave two conceptions. One is that *uomo da bene* means "citizen of the best standing," and such a one must not follow bad customs. The other idea is that the *uomo da bene* is one who in every act follows correct reason, thereby attaining virtue (36).

Romei explained the meaning of the expression *uomo d'onore*. He divided *uomini da bene* into two classes: those who have once justly lost their good reputation but have repented of their faults; and those who have always retained their good reputation. The former class can be *uomini da bene*, because they may recover their honor to a certain extent. But the only ones who can be *uomini d'onore* are those whose honor has never been lost (37).

Romei also held to the Aristotelian idea of "beneficence." He said that it is not possible to be a *uomo da bene* without being a benefactor; and he added that one must not act for the sake of obtaining a reward. This obligation to help others rests upon all: if, for example, one is not rich, yet one can teach good doctrine, give a good example, heal the sick, etc. Romei noted, however, that in a community which prefers utility to uprightness, *uomo da bene* is not the same as "good citizen": in this case "honor," in the sense of "reputation," does not come from virtue except by chance; and it consists less in deserving than in possessing (38).

These, then, were the classes which were presumed to have honor. There were two general groups, on the other hand, which *ipso facto* did not possess it; those negative persons who lacked it because of incapacity, and those who lacked it because of infamy.

In the former class were children and also theoretically women. It was held that since they are not bound by the obligation imposed by reason, they cannot properly be said to have either honor or dishonor. As for women, although it might be granted that some of them possess a manly spirit and intellect, yet in comparison with men they are by nature imperfect. As for children, they are imperfect because of their age (39).

Of the second class, the infamous,¹⁰ some were considered to be destitute of honor not because of personal guilt, but because they were members of certain stigmatized social groups. In such cases an individual might by a good life overcome the public prejudice, but this

¹⁰ To the ancients, to whom "honor" suggested public offices, memorials, etc., "infamy" implied incapacity for honorable positions and even exclusion from citizenship. So the infamous person could not give testimony in court nor could he make a will (Maffei, p. 310).

was difficult. Among those who were thus infamous because of their status were inn-keepers, actors, usurers, those who made gain from prostitution, and those whose birth was illegitimate. The vocation of the usurer, for example, was regarded as unnatural and destroying the wealth of others. As for the illegitimate, whose infamy was not decreed by law, they might become honorable in public opinion if they were virtuous; if they had been for a long time versed in arms; and if, because of their parents' subsequent marriage, they had been made legitimate by the pope or a prince (40).

Others were infamous by their personal fault or by that of their ancestors. Even a knight or a noble, if he was a traitor to prince or country, dishonored not only himself but also his descendants to the third generation (41). Men became infamous because of their own offenses if they failed in either of the honorable man's two cardinal virtues, valor and justice. Failing in valor included such faults as abandoning one's post as sentinel, deserting the army, feigning illness on the day of battle, or abandoning the lord or the standard and fleeing; deserting a friend or companion in danger; being unwilling to risk life for the Church and its head, or for prince, country, father, son, wife, etc.; and finally, the acceptance of an insult. Failing in justice consisted of refusing to obey good laws; and more specifically, of committing such offenses as treason, assassination, perjury, theft, adultery, and heresy.

There were special considerations with regard to the two offenses last-mentioned. As for adultery, either a married or a single man was dishonored only if he committed it with a married woman (42). Heresy, which was defined as a perverse opinion of God and

divine things, was not supposed to destroy one's honor if the heresy was merely a matter of private belief; but when it was uttered so that it caused scandal and destroyed souls, it was regarded as a form of injustice. According to Torelli, even idolators — Moors, Persians, Turks, Tartars, and Indians — could be knights, and hence possess honor, provided that they believed in one God; but knighthood could not be conferred upon heretics.

Another class excluded from the possession of honor, Torelli added, are the Jews. He held that as heretics are traitors to the Church, so Jews are traitors to their king, who is Christ (43). Benavides said that they are base, infamous, and without honor; that, like the pygmies, they are fit to fight only with cranes; that the death of Christ has made them the Christians' prisoners and slaves; and that, being obstinate and treacherous usurers who are always sinning by their cruel methods of making money, they are a brood of vipers (44).

The fact that so many people were thus destitute of honor increased the pride of those who possessed it. According to Mora, it is not in the power of the encircling heavens to make us lose honor, since it is the highest good and the supreme happiness of civilization: it is regulated by our reason, which dominates our actions, either good or bad, according to our own pleasure, and not as we are inclined by the stars (45).

CHAPTER III

THE INSULT

GIVING THE INSULT

There were several ways in which a man's honor might be injured or destroyed. This might result, for example, not only from his own adultery, but also from that of his wife. Some of the writers noted, to be sure, that he ought not to be held responsible if she acted without her husband's knowledge and he was not at all at fault: yet he lost honor in the opinion of the public, which considered that his wife was in his care (1). Unless a woman was of high rank, however, she could neither honor nor dishonor anyone except her husband (2).¹

Largely because of the prevalence of the duel, the writers discussed at length another method by which one lost honor; namely, by receiving an insult. For the latter, as for honor in general, some of the theories of the Italian sixteenth century were based on Aristotle, who discussed the form of the insult under three heads; contempt, spite, and insolence.

"Contempt," he says, consists of regarding something as wholly unimportant, and he adds:

"If a thing is wholly unimportant, it is not respected as having any value either for good or for evil. Now we suppose that we have a natural right to a high degree of consideration at the hands of persons who are our in-

¹ For such features, especially in the drama, of the point of honor of Italy in connection with that of Spain, see Stuart, *The Romanic Review*, I, 253-57, 357-66. The Spanish point of honor is discussed also by Northup, *Three Plays by Calderón*, pp. XVI-XXIV.

feriors in birth, power, or virtue, and indeed in anything common both to us and to them in which we have a great superiority: as for example, in wealth a man of large property to a poor man; in oratory a good speaker to a bad one; and in political affairs a ruler to a subject; or one who fancies himself born to rule, to one who is born to serve. Again, we expect especial consideration from persons who are bound under an obligation, as we suppose, to treat us well; that is, persons upon whom benefits have been or are being conferred either by ourselves or by somebody at our instigation or by one of our friends."

Concerning "spite" his conception is as follows:

"Spite is an impediment offered to the wishes of others, not for the benefit of the person who spites, but for the detriment of the person who is spited. It is the fact that the motive of the spiteful action is not the benefit of the agent himself which constitutes the slight; for it is clear that he does not suppose the person whom he spites will do him any considerable injury or service; as in the former case he would cast no slight upon him, and in the latter he would pay court to him to secure his friendship."

Aristotle thus characterizes "insolence":

"The source of the pleasure found in an insolent action is the feeling that in injuring others we are claiming an exceptional superiority to them. This is the reason of the insolence of the young and the wealthy: they look upon it as a mark of superiority." (3).

In the sixteenth century, Mora made a similar statement with regard to insults in general. He said that giving them pertains to the nature of man; because everyone seeks distinction, one mark of which is to offend fearlessly (4).

Some of the sixteenth-century writers also followed more or less closely Aristotle's classification. According to Bernardi, "contempt" is expressed by words which

show no esteem; "spite," by words which, without benefiting the one who is spiteful, hinders another from obtaining what he desires; and "insolence," by injuring or treating harshly (5).

Somewhat similar was the statement of Carbone. Some of the ways of showing "contempt", he said, are these: forgetting a man's name, not caring a straw for his words and deeds, or passing in front of his house in order to show scorn. Some actions, moreover, are always contemptuous; for example, defiling or removing another's portrait, or making a sign of contempt with the fingers. "Spite" consists of vexing, or preventing the attainment of something which is good. "Insolence" means despising some one in a way which brings upon him grief² and the stain of infamy. This offense comes from one of two causes: either depravity, as the craving for gain on the part of avaricious old men; or the desire for glory, which is the motive of those who are young. Of these two classes of persons the ones who are considered the more insolent are the young; because while avaricious old men wish their own gain, young men seek glory by violating others' honor (6).

The matter was discussed as follows by Albergati:

"Contempt" does not primarily inflict shame, but it dishonors a person by failing to show a good opinion of him which would give him his due. An example occurs when a man who meets two people of equal merit whom he knows equally well, salutes one and ignores the other. "Spite" consists of one's hindering that which another desires. Although like "contempt" it

² Under this head some put taunting one about a physical defect, as when the children said to Elijah, "Go up, thou bald head" (Carbone, p. 251r).

shows a lack of esteem, and so causes dishonor, it often gives not shame but merely displeasure. Such is the case, for example, when one unnecessarily prohibits another from passing along a certain road or obstructs his view. "Insolence," finally, offends first of all the victim's honor (7).³

The usual Italian word for "insult" was *ingiuria*, but some writers used also the term *carico*. Nobili held that these two words were synonymous; but others made the distinction that an *ingiuria* was an offense given by using unfair advantage; whereas a *carico* was an offense given with the parties on equal terms. Hence it placed the burden of proof upon the party who was offended, and he must express resentment.

The *ingiuria*, according to Bernardi, included offenses given because of malevolence, envy, self-seeking, etc. (8); but when it was given by using unfair advantage it was generally called *soverchieria*. This was either "simple" or "compound": the latter term was used when the offense consisted of more than one circumstance (9). Examples of insults with the use of unfair advantage were those given by one who was armed while his opponent was defenseless, by one who was backed by a larger number of followers, or by one whose insult could not be resented because of the presence of a lord, etc. (10). But the claim of unfairness must be proved: the presumption was against it (11). *Soverchieria* was permissible, moreover, if it was unavoidable and hence was involuntary (12).

As to the effect of the use of unfair advantage, there was difference of opinion. According to one view, if

³ Albergati said that an example of insolence was Caesar's causing filth to be poured upon his colleague Bibulus (p. 101v).

the offended party did not show cowardice the only one whose honor was stained was the offender (13). According to another, since *soverchieria* gave an insult it stained the honor of the party who was offended (14).

From the point of view of the motive, insults were again divided into three classes: those committed through ignorance or through duress or other necessity; those proceeding from passion; and those given deliberately (15). In the first place, an offense given through ignorance was only a *dispiacere*: in order to be an insult, it must be recognized as such by the one who gave it. Hence it was no insult to offend a man while mistaking him for another⁴; to whip one's own child; or to punish the child of another, provided that the one doing so did not know that the other man was the child's father. Again, giving insults implies the power to reason: hence it was no insult to be kicked by a horse; or to be offended by women, children, or men who were intoxicated or of unsound mind.

Supposed insults were sometimes due to ignorance of national customs. In sixteenth-century Germany, but not in Italy, it was an insult to decline to drink. In France it was an insult for a stranger not to kiss the ladies of the household of his host; but in Italy or Spain it would have been an insult to kiss them.

Again, supposed insults might be due to accident or necessity. For such reasons one might refuse to a friend an article which the friend wished to borrow. As for

⁴ Urrea and Albergati cited the story of Archelaus, king of Macedonia, who, after water had been thrown on him because he was mistaken for another, said that resentment should be made only by him for whom the affront was intended. (Urrea, p. 172r; Albergati, p. 124r). Corso noted, however, that an offender's plea of mistaken identity was not a valid excuse in law (p. 77).

duress, a man might, for example, be pushed by one stronger than himself, and thus be forced to jostle against a third party. Duress was also at least a factor in acts done by servants or subjects at the command of their masters or lords.

But offenses given through duress did not include those which arose from love for a woman, resentment for an offense done to one's relative, indignation at a man who had prospered beyond his deserts, or other indications of passion. Duress acts from without, whereas passions sometimes become a part of one's essence (16).

The principle that an insult must be intentional had also other exceptions. A witticism or a practical joke, for example, although it might not be deliberate and malicious, insulted a man if it caused his reputation to be lowered (17). As for an offender's ignorance, this might be his own fault. He might have allowed ignorance to become a habit. In this case his position resembled that of a man who committed an offense because of being drunk: such a one was responsible for having chosen to drink (18).

But in general the true insult was one given deliberately. It was a voluntary offense intended to cause injury to another, and done unjustly (19).

An insult must be recognized as such not only by the party who gave it, but also by the one who received it.⁵ Hence words could not insult a man who was deaf, nor could a blow insult one who thought that it was given in play (20).

As for women and children, although neither could give insults, yet there was a difference between them as

⁵ Corso noted that this was not true of an offense judged by a magistrate (p. 23).

to offenses which they received. Although one's attitude towards a child might insult the latter's family, one could not insult the child himself; but it was possible to insult a woman. This fact had been legally recognized in the laws of the mediaeval judicial duel, and by the code of the sixteenth century one could fight for the honor of married women even if they had formerly been harlots (21).

There were other classes who for different reasons were not involved in the question of insults. On the one hand, the scholars and the clerics, although they could confer honor because they were presumed to be more virtuous than others, yet could not take one's honor away. Since insults frequently led to duels, these persons, being unfitted for the use of arms, could neither give insults nor receive them (22). On the other hand, it was not possible to insult one who was so infamous that he had totally destroyed the honor of himself and of his family (23). Finally, in spite of the contrary opinion of G. B. Possevino, there could be no insult between a father and his son; for in questions of honor the two were considered to be one (24).

There was difference of opinion as to whether an insult was given by secret slander. Valle said that this could not be ignored unless the offended party either lacked spirit or wished to take underhand vengeance (25). But Alciato held that the backbiter dishonored himself more than he dishonored his adversary (26); and Landi said that the offended party was not obliged to show resentment, since his honor was not affected unless it was already somewhat tarnished (27). According to Carbone, an accusation which was not made face to face was less worthy of credence; and since it might imply that the

accused party inspired fear, it could be a kind of compliment (28).

This question of offenses aimed at men who were not present was treated by two authors who wrote in Latin, Massa and Carbone. The former said that such an offense, or an offensive act which was done secretly, gave no insult; but it was a *detractio* (29). Carbone drew a distinction between this offense and a *contumelia*: the former generally occurred only when the offended party was absent; the latter, only when he was present. But it was possible for either of these offenses to be given in either case: then if the offended party was absent, a *contumelia* was an offense of which it was intended that he should hear; whereas a *detractio* was intended to remain hidden from him (30).

It was not necessary, moreover, that an offense should be positive: it might consist of failure to show the proper respect. This kind of offense was given either because the party who ought to render honor was proud or envious, etc., or because the other party was unworthy. As for the former case, a person who failed to honor one who was worthy dishonored himself. Zarrabini disputed the popular opinion that such a condition brought dishonor upon the party who was offended. But if the latter was unworthy, the stain of the insult was upon him (31).

As to what constituted an insult there were sometimes special problems. One of these concerned an accusation of bastardy: it was an insult to say that a person had been illegitimate by birth, but it was not a valid insult to call him a bastard after a prince had made him legitimate (32).⁶ Another question arose if a man said that

⁶Andrea d'Isernia had laid down a similar principle with regard to treason. If a prince had restored the offender's honor, one could give a

although a certain person might be a gentleman, it was uncertain whether he was a man of honor (*uomo da bene*). On the one hand Fausto da Longiano maintained that although a quarrel was not obligatory, yet the matter should be taken up in order to prove whether the gentleman was really honorable (33). On the other hand Landi held that there should be no quarrel; for since few people are virtuous, it was easy for one to show that another was not a *uomo da bene*, because of two or three faults. At any rate the accuser must specify: he must accuse the other party of being a blasphemer, a thief, an assassin, an adulterer, a coward, an infidel, or at least haughty or unjust, etc. But after all, the fact of seeking to prove that another was not a *uomo da bene* showed that the accuser was not one himself, but was rude and arrogant (34).

Benavides noted a question which is more subtle. If the enemy of a merchant was being assaulted by a third party and a fourth party thereupon entered the merchant's shop, seized therein a weapon, and with it defended the man who was assaulted, that act did not give to the merchant an insult. But if the said fourth party asked the merchant for the weapon, this implied that it was not to be used in defense of any enemy of the merchant: so if the fourth party received the weapon from the merchant, the latter was deceived and made to participate in the defense of his enemy. Hence the merchant was insulted (35).

An insult was regarded as causing one of the two parties to lose honor. This idea was based upon consideration for the two knightly virtues, justice and valor. The

valid insult by saying "You were a traitor," but not with the words "You *are* a traitor" (Marozzo, p. 105r).

former, said Zinano, was, according to all the laws of God and men, violated by one who offended another unfairly. As for valor, the giving of an insult presumed cowardice on the part of the offended party. Men believed this presumption to be founded on old military usage, continued by custom and by the Lombard law; or else to have come from nature. By the laws of knighthood, moreover, honor was lost by the insulted party if the other took no unfair advantage and gave the insult in defense of honor, country, friends, etc. (36).

An insult could not, to be sure, destroy the honor which was based upon virtue. Whether or not this "essential" honor was lost depended only upon the person who possessed it (37). Just as honoring one who was undeserving was a kind of contempt, and true honor dwelled rather in him who honored, so an offense given to an honorable man stained only the offender. As for the offended party, he was still more worthy of honor if he bore the offense magnanimously (38).

But although true honor could not be taken away even by a prince, the latter could affect the opinion of the people (39). So even an honorable man might lose his reputation.

It was this matter of reputation which was chiefly considered in the knightly code of honor. According to this, the purpose of an insult was to reveal some fault to third parties (40); and the result was to unsettle the good opinion naturally due to moral actions or the presumption of them. This good opinion was not concerned with a man's sanity, for example, or with his excellence in the arts, etc., but with his moral character; and although the reputation of the insulted party might not be totally destroyed, it was injured, in that the insult had

raised a doubt (41).⁷ The immediate effect of dishonor, then, was to bring a person's wrongdoing to the knowledge of others: the ultimate effect was to injure his reputation (42); so that men would not accept him as a companion when facing danger, would not sell to him or buy from him, and would not entrust to him the protection of women (43).

But insults were not considered to be all equally grave. For example, a slight insult was given by a fierce look, a greater insult by words, and a still greater one by words plus blows (44). Among the more serious insults of word, was calling one a heretic or a traitor; and it was less serious to call one a coward than to give the lie. As for insults of act, simply striking was less serious than wounding (45).

The degree of seriousness of insults depended also upon the status of the parties. A man might receive an insult which in itself was greater than that received by another, and yet of the two he might be the less dishonored (46). As for the party by whom an insult was given, he committed a more serious offense if, for example, he insulted one to whom he was under obligation (47).

In determining the degree of an offense to honor according to the code of knighthood, it was important to consider the grades of rank. Those are not to be belittled, said Cottereau, who seem by nature to be born for virtue and led to it by their parents; and since virtue is more likely to inhere in noble birth, one should not treat every common person as equal to the relatives of princes (48).

⁷ Maffei said that when the writers on the duel held that insulting words could take away another's good name, these writers confused "insults" with "accusation." This confusion harked back, he added, to the days when people were barbarians, and lived without judges and courts (p. 275).

So an offense was generally considered greater if done to one of superior rank by an inferior (49).

But others emphasized the fact that those of superior rank had greater obligations. Since the offense of an inferior to a superior arose from either simple-mindedness or boldness, whereas the offense of a superior to an inferior had its origin in insolence or tyranny, the offender more easily lost honor if he held the higher rank (50).

This question of rank could arise only in a society based on the principle of aristocracy; but according to Albergati, insults, although under an aristocracy they are more serious, are less frequent than when society is democratic. For real insults, he said, there is a general assumption of equality, an abolition of the barriers between the strong and the weak, the proud and the humble, the rich and the poor, etc. (51). It was always an insult, to be sure, to accuse a man of either culpable ignorance of the general principles of correct living, or of ignorance of that which his particular profession should cause him to know (52); and in the sixteenth century the latter kind of insult was especially common among soldiers (53). But since even in a democracy there were barriers between men of different professions, one could not judge of the honor of a member of another profession, and hence could not give him an insult which was very serious (54).

Whether society was regarded as democratic or not, the degree of seriousness of an insult was determined not only by the status of the parties, but by the place, the time, and the nature and circumstances of the facts. The more grave insults were those in time of peace, and those given for the sake of pleasure, advantage, or re-

venge. In general, the more serious were those which might cause the greater scandal (55).

There was difference of opinion as to whether insults of act were greater than those of word. Pigna and Zuccolo supported the affirmative. The former said that one who had failed to make a proper resentment for an insult of act did not deserve to regain his honor; and could do so only if he had the excuse of being young and inexperienced. Zuccolo noted that an insult of act not only injured reputation, as did an insult of word, but sometimes it also gave punishment (56). There was agreement among lawyers, finally, that it was an atrocious insult to strike one in the face (57).

But others held that the greater insult was that of word (58). Since an insult of act concerned only the honor of the body, said Corso, it was resented simply by "recompense"; that is, by an equal offense (59). Attendoli noted that a person fought a duel to justify his words (60). Landi admitted that insulting acts incidentally offend the soul; for just as a man loves his home, so the soul loves the body of which it is the master, and like the home, the body serves as its master's defense. Since in general, however, insulting acts offend the body and insulting words offend the soul, and since it was a greater insult to offend the master than the servant, Landi concluded that the lightest insult of word was greater than the most grave insult of act. Especially serious, moreover, were words which were untrue; for these injured both the accused person and the accuser (61). According to Carbone, words were more insulting than acts, by deduction; as by the theorem "only vicious people are beaten, this person is beaten, and therefore this person is vicious." Carbone added that

since for insults words were more suitable than acts, one who took physical revenge usually also said: "I strike you for such-and-such a reason" (62).⁸

Albergati considered both points of view. He said that offenses of act were not always more grave than those of word; for just as a fall with internal injury was often more serious than an outward wound, so it was a greater injustice to offend with deliberate words than with impulsive acts, and it was even a greater offense to ignore a person than to strike or wound him. If, however, in the two cases the intention to offend was equal, wounding offended more than did words, for it gave greater injury. Actions, moreover, speak louder than words: it may be that the latter do not reveal one's true sentiments (63).

The practical value of the distinctions between the two methods of insult was evident in connection with duels. It is sufficient here to mention that the insult by word was usually answered by giving the lie; whereupon the one who had offered the insult might issue a challenge, and this gave to the insulted party the choice of arms. To the one who insulted by act, however, one could not usually give the lie; but the insulted party simply challenged, and therefore the choice of arms fell to him who had given the insult.

There were also degrees of insult within each of the two classes. As for insults of act, a blow with a rod gave greater disgrace than did a slap; a blow with a stick was more serious than a blow with a rod; and both were exceeded by a kick or a wound (64).

⁸ Sometimes the reason was not stated because the subject of the quarrel was scandalous, as when it concerned the honor of a woman (Pigna, *La pace*, p. 251).

Some of the distinctions were based upon the difference between intention and realization. There was analogy from the law, which decreed that one who intended to kill another but only wounded him was condemned to have his hand cut off, but was not punished as a homicide (65). Although insults included such movements as raising the hand to strike, some held that between these actions and carrying the intention into effect there was a difference like that between venial and mortal sins; or between Nimrod's attempt to reach heaven by means of the tower, and Lucifer's rebellion (66).

But the degree of the insult did not depend upon whether or not there was inflicted actual physical injury. Since an insult offended chiefly the soul, even a real offense to the body, such as wounding or killing, was, according to some of the writers, merely an "accident." On the other hand, an insult could consist of entering the home of some person against his will, or showing contempt by purposely passing in front of his home. One who was prohibited from entering a residence where there was being given a public entertainment would consider himself more insulted than if he were wounded in the home of his host (67).

Yet since the essence of insults consisted of the intention, one insult was considered more serious than another if by the former a greater physical injury was threatened. So it was a greater offense to throw at someone a dagger than to give him simply a blow. But since the latter act was also an attempt to cause physical injury, it was a greater affront than to remove a man's mask or to make an insulting gesture (68).

There was also much discussion of the relative gravity of insults of words. Authorities debated, for example,

whether it was a greater offense to call a man a cuckold or to call him a traitor. Some said the former, because the shame was not alone his, but that of his relatives. Others said the latter; for a traitor offended not only himself and his relatives, but he destroyed the honor of his country (69). It was less serious, moreover, to give insults as did Savonarola, by means of prophesies (70).

Insults of word were either general or specific. An example of the former is "You are a traitor"; of the latter, "You are a traitor because you did so-and-so" (71). Opinions differed as to which form gave the greater insult: the general insult, which implied that the imputed fault was a habit; or the specific insult, which might be proved (72).

The insults considered up to this point concerned only two parties; but one might also insult another indirectly by insulting a third party, or by instigating a third party to be the offender (73). As to the former case, an offense to the person, the property, or the honor of an individual's relative or bosom friend was an offense to the person, the property, or the honor of the individual himself (74). A man might receive offense also from an insult given to his country, his prince, or other person whom he was bound to defend, and on whom depended his own reputation (75).

There were certain writers, finally, who insisted that since a real insult was one which was given deliberately and maliciously, it was a violation of an essential virtue of knighthood; namely, justice. They held that it was unjust to intend to inflict injury, and they noted that the insult was a method of carrying this intention into effect (76).

So one might give an insult unjustly even while speaking the truth. Although some denied that it was an insult to point out another's actual faults (77), this was generally so regarded if the purpose was to obtain celebrity; or if the offense was given in the presence of those by whom the offended party wished to be praised, such as his sweetheart (78). To reveal another's faults was also held to be uncharitable and opposed to the public welfare (79). As regarded the honor which came from public opinion, a secret fault was non-existent. So even if an accusation of adultery, sacrilege, etc. was true, the accuser acted wrongly; for he sought to injure his neighbor by making him infamous. This was unjust, and contrary to both natural and civil law (80).

Nobili noted, moreover, that an insult might be an occasion for sin on the part of the person who was offended. Desperation caused by the injury to his reputation might create in him an indifference as to his conduct (81).

RESENTING THE INSULT

Aristotle discussed the question whether an insult should be resented.⁹ On the one hand, he made the general remark that since a man might suffer shame, such as that caused by his poverty, without his own fault, shame might be co-existent with virtue (82). Aristotle also held that although it might sometimes be a greater evil to suffer injustice than to inflict it, yet this was not true in general (83). But on the other hand he wrote as follows:

⁹ Albergati remarked that certain ancients, for example Socrates and Lysander, were magnanimous enough to overlook affronts; but others, such as Achilles, Hector, and Alcibiades, would not tolerate them (p. 168v).

"It is only a slavish nature which will submit to be insulted, or will let a friend be insulted, without protest." "It is more natural to men to take vengeance than to forgive It looks like slavery not to requite evil" (84). "It is nobler to avenge ourselves upon our enemies instead of making up quarrels with them; partly because retaliation is just and just conduct is noble, and partly because a brave man should never be beaten. Victory and honor may both be reckoned as noble; for they are desirable in spite of their unproductiveness and are evidences of superiority in virtue" (85).

According to some of the Italian writers of the sixteenth century, Aristotle meant that this resentment should consist of appealing to the civil law. They noted, also, that he did not discuss this subject as a philosopher, but merely expressed public opinion (86).¹⁰

But there were other sixteenth-century writers who did not seek to limit to legal procedure the use of resentment. They held that nature had given to man not only intelligence but also iron with which to make weapons, in order that he might maintain his status (87). So a knight must express resentment (*ingiuria ripulsata*) if one showed contempt for him or for his father, wife, or children (88). At the time when he was first girded with the sword, he assumed the obligation to defend his

¹⁰ These statements were repeated by Maffei, who added that most philosophers, especially sublime ones such as Plato and Seneca, condemned all resentment of private injuries. Plato having put the praise of resentment into the mouth of a vulgar man, confuted him by philosophical reasons. As for Christian philosophy, St. Thomas Aquinas taught that affronts should be endured unless opposing them was for the good of others; and in this case they should be opposed by means of love, and never because of the desire for private honor (Stellino, p. 75v; Maffei, pp. 289-93, 303, 445).

honor (89). Since, moreover, every insult was presumed to be intended as such, it could be resented even if it was a statement of the truth (90).

The fact was that one's resenting insults and thereby refusing to appear inferior was supposed to exhibit the virtues emphasized by Aristotle; namely, valor and justice. As for the latter, not only was that one unjust who wilfully offended, but also he who, being able to resist affronts, tolerated them (91).

Certain offenses, to be sure, should be ignored. Such, for example, were those which were trivial, as when one failed to honor another by lifting one's cap or yielding one's place: honors of this kind were insignificant, since they might be given to men whose rank was inferior or whose character made them unworthy. It was natural, to be sure, that a man of honor should desire manifestations of respect; but if these were lacking, he should be content with a good conscience and a good reputation. Resentment was not obligatory, moreover, for offenses between the weak and the robust; since in this case there was a lack of equality. In general, offenses could be ignored if they produced no impression on the minds of third parties (92).

The obligation to show resentment, moreover, depended largely upon public opinion and the nature of the parties' vocation. Any man of honor, to be sure, should resent a reflexion upon his character: if he did not maintain his own honor he could hardly defend that of his prince or his country. But for a reflexion upon the manner in which a man exercised his vocation, resentment was obligatory only between soldiers (93).

Others, however, said that even if a man was offended to the extent of being wounded, he preserved his honor

if he did his best to make a proper resentment (94). If the offender afterwards denied that his opponent had acted bravely, and there had been no third parties as witnesses, the presumption was in favor of the party who had been offended (95).

All this was based upon public opinion. It was unreasonable, to be sure, to resent an offense that was just; or even one that was unjust, since the offender had disgraced himself rather than the other party. Yet if an insult was spoken face to face, the offended party must show resentment; for even if he was innocent of that of which the insult accused him, others might think that he was guilty or at any rate that he lacked courage (96). Even if there were present no third parties, moreover, he should avoid losing honor in the eyes of his offender (97).

The matter was discussed as follows by one of the interlocutors in the book of Patrizi:

A man resented a blow because otherwise he would be reputed cowardly and contemptible. But what if no third person saw it, and the one offended was sure that the offender would never mention it? In this case many would not care for vengeance: yet some would feel disgraced because the insult was known by the offender. But what if the latter should drink from a magic spring like Ariosto's Fountain of Merlin, and it should be certain that he would lose his memory? Then, although the one offended could probably not refrain from a first impulse, after his anger had cooled it was uncertain what he would do. Many, however, would not show resentment, because human beings should love one another and because the taking of revenge implicates friends and relatives and perpetuates strife. There were some, too,

who endured insults in order that they might not be divulged; for if they were known, they generally lowered the offended party's reputation (98).¹¹

An injury to honor, moreover, did not become fainter with the passage of time, and it lasted until death (99). But there were two exceptions: if youths quarreled, they could not take the matter up after they were grown; and although a son could ordinarily assume the quarrel of his father, he could not do so after his father's opponent had become old (100).

Granted that a serious insult must be resented, there was difference of opinion as to the purpose of the resentment. Aristotle had said that one who is offended has less, and the offender has more, than his due. So Bernardi held that the offended party should demand the restoration of his honor, which the offender had appropriated; and according to Zuccolo, the offender must be punished by the other party in order that the latter's honor should not only be restored, but should be made more secure for the future (101). On the other hand, Nobili and Susio said that what the offender had taken away was not the other party's honor, but his advantage, pleasure, or distinction. So Nobili held that the purpose of resentment was not to recover honor, but to weaken the pride and reputation of the offender, for the sake of the public welfare; and Susio said that the party

¹¹ Patrizi mentioned as an example Agilulf, king of the Lombards, who was reputed most wise because, not being able to take secret vengeance for an offense to the honor of his wife, he bore the injury patiently to avoid publicity (p. 38r). This story had been told by Boccaccio, *Decam.*, 3rd day, Nov. 2. The above passage from Patrizi, published in 1553, contains a problem similar to that discussed in Chiarelli's play *La Maschera e il Volto* (1916). But compare the statement of La Rochefoucauld that perfect courage consists of doing without witnesses that which one would be capable of doing before everybody (Maxim 216).

who ought to desire restoration of honor, in order to make the parties equal, was the offender (102).

One used resentment for still another purpose if the insult had been given by one who was held to be without honor. Since he could not take away honor from another, resentment consisted simply of punishment. This might be given by either the offended party or his followers. Although it must not be more severe than was approved by public opinion, and the avenger must not be guilty of baseness, which would destroy his good reputation, yet it was permissible to act prudently by taking the offender at a disadvantage (103).

Resentment was discussed, furthermore, as to its manner. Since a postponed resentment became revenge, an insult must, as a general rule, be resented immediately. The resentment must also be made openly in the offender's presence, and with the parties on equal terms (104).

But there were cases in which the resentment must be postponed. If the insulted party had been taken at a disadvantage, he could without dishonor seek safety in flight (105). If the offender hid himself or was protected by guards, the insulted party should notify him that he was ready to maintain his honor (106). In the meantime, the offense should be resented by the ruling lord; and especially if it had been committed in his presence, he should resent it as disrespect to himself (107).

An insult which had been received with the parties on equal terms could not be wiped out by a resentment which was unfair (108); but there was difference of opinion as to whether such a resentment might be used if there had been unfairness in the manner of giving the insult. Muzio cautiously said that he would defend

such resentment rather than advise it (109). Attendoli held that it did not cause loss of honor (110). But Antonio Possevino, although admitting that unfair retaliation had some excuse because of human imperfection, said that it destroyed the honor of the one who used it, and to a knight dishonor was worse than death (111). Albergati attacked the statement, which he attributed to Muzio, that it was excusable to return fraud for fraud (112).

There were two kinds of resentment, moreover, with regard to its intensity. When it was greater than the insult for which it was given, it was "revenge"; when it was merely equal, it was "recompense." As an example of the latter, calling one a traitor in return for being called a heretic left the parties equal. This was true of slight differences in insult, such as wounding one in the face in return for being wounded in the arm.

Some authorities held that "recompense" was sufficient, on the principle of "an eye for an eye and a tooth for a tooth" (113). Corso took this position with regard to insults against the honor of the body, such as raising a man's mask or threatening him: these acts might be resented by merely an insulting gesture, which, like the original offense, did not injure the integrity of the soul (114). Bernardi noted, moreover, that since one could not always give wound for wound, it was sufficient to give the equivalent (115). According to Landi, a blow with the fist should not be repaid by a mortal wound; and one should resist only so long as the assailant continued to attack (116). With regard to rewards as contrasted with punishments, Albergati said that the former, being in proportion to one's deserts, were given "geometrically"; whereas punishments, which were sup-

posed to be the exact equivalent of offenses, were given "arithmetically" (117).

According to custom, however, the resentment, as compared with the insult, was more severe. So one who had received a slap or a kick obtained satisfaction by giving a blow with some instrument; a blow was neutralized by a beating; the latter, by a wound; and this, by killing (118).

The question also arose whether insults of act could be sufficiently resented by words. Castillo thought that in such a case the only proper words were those of a challenge to a duel. But this conferred an advantage upon the party who had offered the insult; for he was given the choice of arms (119). Most authorities, however, agreed that an act could be resented by words. G. B. Possevino noted that an insult came not from an act itself but from that which might be shown by words; namely, the intention (120). According to a popular maxim, to be sure, words could not cancel acts; because *parole* ("words") was feminine and *atti* ("acts") was masculine. But Pigna said that this statement was worthless because the genders of these words were reversed in some provinces (121). Landi held that one injury of act could not be resented by another: hence the inference was that it demanded words. With regard to the "eye for an eye" theory, in so far as it was derived from Aristotle, Landi said that the philosopher referred not to injury to persons, but to damage to property (122). Words atoned for a blow, said Zanchus: the justice which was necessary was not "commutative," but "distributive" (123); that is, it did not require exact recompense (124).

As for an insult of word, some of the writers considered that it could be exceeded, and hence sufficiently resented, by an act (125). According to Valle, this was true because an act, such as a blow or a kick, is a complete process: it has a beginning, which is the first movement; a middle, which is the actual blow or kick; and an end, which is what has been done (126). Zuccolo said that since an act could show contempt and give punishment, its tacit argument might take the place of proof (127).

But others held more or less to the contrary. Corso, although believing that words might generally be resented by acts, admitted that the latter were not always thus effective (128). Susio held that even if the truth were revealed by a duel, it could not be revealed by showing resentment in the form of a slap or a blow (129). Landi said that to resent an insult of word by means of an act was, as a general rule, against both law and reason (130). According to Romei, giving a blow neither denied an accusation nor made it necessary for the accuser to prove it. In fact, the party receiving the blow might drop the original quarrel and assert the right to prove that he was not a man to be given a blow.¹² Even if the giver of the blow won a duel over this latter quarrel, moreover, he still remained under the stain of the original accusation (131).

In some cases, however, one might express resentment by not only giving the lie, but in addition by inflicting a blow or even a wound. After a man had been accused of treason, for example, or his wife had been charged with adultery, he might use this double resentment be-

¹² As will appear later, however, this could not be done with regard to a blow in reply to a *mentita*.

cause the insult offended more than one person (132). Zuccolo held that since one who gave the lie thereby took away the other party's honor, the former had the privilege of also giving a blow (133). But Torelli noted that this principle had exceptions (134).

A further question concerned the use of words as resentment for other words. Of this verbal retaliation, there were two kinds: the "compensated" or *ingiuria voltata* (or *ingiuria volta*), and the "doubled" or *ingiuria rivoltata*. An example of the former kind occurred when one who had been called a forger replied, "It is you who are the forger," "You are a forger yourself," or "I am not a forger, but you are"; an example of the latter kind, when he replied, "You are a forger and a murderer." To use either of these types of retort was imprudent; for neither was a true resentment (135). As for the *ingiuria rivoltata*, it was not a repudiation of the charge of being a traitor to reply that the accuser was not only a traitor but also a ruffian, a forger, a thief, and an assassin (136). It would be too confusing for one to call another a traitor; for the second to reply, "You are a traitor, thief and assassin"; and then for the first speaker to say, "I will prove in fight that I am not a traitor, thief, or assassin, but that you are a traitor" (137). Also, if one was called a forger, a thief, a murderer and a traitor, and he replied, "You lie in saying that I am a forger," this was invalid, since the speaker tacitly admitted the other charges and hence was dishonorable (138).

The question of resentment sometimes involved third parties. This might occur in two ways: by a *vendetta transversale*, in which one showed resentment in behalf of another (139); or as the result of an insult

given at another's instigation. These two circumstances, moreover, might be combined: for example, if one instigated another to insult a third man's wife, the resentment should be made by the offended woman's husband and should be directed against the offender's instigator (140).

Limitations were placed upon the use of the *vendetta transversale*. G. B. Possevino went so far as to say that if one gave to another a blow, a third party could not claim that this was done wrongly; but this statement was opposed by Susio (141), and it was generally held that a man might show resentment in behalf of those who were bound to him by relationship, friendship, etc. For example, one must resent an insult to the memory of a dead relative (142). But since honor was personal, a man could not resent an offense given to another unless the latter was his near relative; his companion, in case the insult was given in his presence; or his servant, in case the affront showed contempt for the master (143). One was not obliged, moreover, to take up the quarrel of insulted relatives or friends if they were able to make resentment for themselves or if they were at fault (144).

As for the insult given by instigation, the manner of resentment depended upon the status of the one who was instigated. If a beating, for example, was given by another's servant at the instigation of the master, the resentment towards the servant was expressed by simply inflicting punishment: it was only the master from whom was demanded satisfaction for the wounded honor, and it was sufficient for him to deny the instigation. If, on the other hand, a man caused another to be offended by one capable of giving an insult, the offended party demanded reparation first from the party who had been

instigated, and then, unless the fact of instigation was doubtful, from the other party (145).

Besides the various sticklers for the code of honor, finally, there were those who regarded the subject of insults from the point of view of religion. Its preëminence was stated as follows by Valmarana:

It was in order to differentiate men from brutes and make them partakers of the nature of God, that He gave them the gift of reason. When this is recognized and valued, men will despise meticulous details in the settlement of quarrels. After divinely-enlightened minds meditate more profoundly upon the riches of heaven, not only will men not hate those who offend them, but quickly forgiving for the love of God, they will love their enemies and seek to do them good in the way taught by Christ. By thus observing His holy law they will obtain peace and good will in this world, and the promised glory which the blessed enjoy in heaven (146).

CHAPTER IV
THE *MENTITA*
THE USE OF THE *MENTITA*

The ordinary method of resenting an insult of word was the *mentita*, or giving the lie.¹ This was defined by Thonnina as the resenting of an insult by means of a sheer denial of having committed the imputed offense (1) G. B. Possevino characterized the *mentita* as a statement which nullified something said by another, to the disadvantage of the latter's honor, with intent to free the other party from infamy and to force his opponent to offer his proofs (2).

In sixteenth-century Italy the importance of the *mentita* was due largely to the prevalence of the duel. The *mentita* was the normal provocation for a challenge; and since the challenged party regularly had the choice of arms, the determination as to what constituted a *mentita* and which of the two parties had given it were not mere exercises in quibbling: they might be matters of life and death.

By custom, a man gave the lie even if he believed that the accusation against him, although in fact untrue, had been made sincerely: yet according to the general opinion a true *mentita* implied that the one to whom it was

¹ The *mentita* as a regular form of denial is said to have originated with the legal process under the Emperor Louis I (814-40), by which the accused gave the accuser the lie, whereupon the judge decreed a duel. The legal discussion of the *mentita* began in the thirteenth century. Dino (d. 1298 or 1303) spoke of it with regard to the expression "You lie, saving your honor." In the next century, Bartolo justified giving the lie (Maffei, pp. 182, 184, 286; *Encyc. Brit.*, VIII, 639).

given had lied intentionally (3). So a *mentita* was distinguished from a *bugia*: the latter was a falsehood told in jest or one which the narrator believed to be true; a truth which the narrator believed to be false; or even the suppression of a truth or the failure to suppress a falsehood. In general, a *bugia* was an utterance which was in some sense untrue. So although he who lied always told a *bugia*, the latter was not always technically a lie. Hence the *mentita* was further defined as the charge of knowingly telling a falsehood with the intention of inflicting injury (4).

Some of the forms of giving the lie were: "You depart from the truth," "That is a lie," "You lie in your throat," etc. But the last-mentioned expression was held to be less decent than the statement "That which you speak you say falsely"; and even when it was said in jest, it was considered unworthy of a gentleman. In general, the exaggerated forms such as "You lie in your throat," "You lie a thousand times," etc., added nothing to the validity of the *mentita*: they simply indicated greater anger or discourtesy (5).

Not every denial, moreover, constituted a giving of the lie. According to some writers the forms "I do not agree," "You are mistaken," "That is not true," "It is contrary to the truth," "You do not say the truth," and "You say what is false"² were merely manners of speech, and did not assert that the persons to whom they were said were insincere. Of these expressions, "That is not true" was synonymous with "You do not say the truth," except that the former was considered more modest and courteous. But other writers said that the formula "That

² Whether the expression "You say what is false" was an insult or not, had been discussed before the sixteenth century (Maffei, p. 183).

is not true," although usually it only made a correction, became an insult when used to deny a man's statement that he had done a specific act (6): and the words "You do not say the truth," although they did not intrinsically imply an accusation of insincerity, were by custom held to mean "You lie"; that is, "You speak contrary to what you think" (7).

There were also cases in which an expression which did not at all appear to be a *mentita* was one in fact. For example, one who when called a villain was not in a position to give the lie directly, could do so in effect by replying, "I am a man of honor" (8).

There was difference of opinion as to whether giving the lie expressed resentment in the proper manner. On the one hand, according to Cottureau the belief that the *mentita* annulled the original offense, was fallacious (9); and Fausto da Longiano said that one should use other methods, for giving the lie was discourteous (10). Promiscuous giving the lie was, according to Ferretti, the chief abuse in the matter of the duel; because the *mentita* was regarded as a trouble-breeding provocation, and was given even to one who had spoken the truth (11).

As to the latter objection, Alciato said that one who had received an accusation which was true had a stronger moral position with regard to an ensuing duel, if instead of giving the lie he replied "By insulting me, you have acted badly and unjustly" (12). If an accusation was known to be true, moreover, said Landi, there was no need of proof: so giving the lie to the accuser could not injure his honor, and hence was useless (13). Conrado, finally, said that a true accusation could not be given the lie, but one might answer, "In saying so-and-so you have

acted unjustly"; whereupon the first speaker could reply, "In saying that I have acted unjustly, you lie" (14).³

But in general, the *mentita* was considered legitimate. It was said to be given not primarily for offense, but for defense (15). It postponed the consideration of lesser insults and placed upon the other party the obligation to prove his words (16).

On the proper occasions, moreover, the *mentita* was considered necessary. Every offensive word was cancelled, to be sure, by a simple denial; for a person was always presumed to be offended unjustly, and this presumption was still greater if the accuser could not give proof (17). But to reply to an insult by uttering a simple "no" was only an ideal of perfection. Practically, one generally gave a strong denial in order to put upon the accuser the burden of proof (18).

The discussion up to this point has assumed that the insult had been given by means of words; but the *mentita* might be used to resent even an act. Urrea suggested, to be sure, that the offended party should show resentment simply by declaring that his opponent had acted badly (19); but this statement could provoke the offender to give the lie (20). Some therefore held that since an insult of act was accompanied by words, either spoken or implied, the *mentita* could be given by the insulted party himself. One who had received a beating, for example, might say, "In so far as you have tried by beating me to give to others the impression that I am base and deserving of punishment, you lie" (21).

There was difference of opinion as to whether giving the lie was itself an insult. On the one hand, Marozzo

³ The other party would then, in case of a duel, become the challenger and so lose the choice of arms.

and Cottureau even claimed that it was no insult to say, "You lie like a villain." Their theory was that this did not declare that the accused party *was* a villain. But they held that it was an insult to say "You lie like a villain that you are" (22). Muzio, although he admitted that giving the lie was more serious than calling one a thief, a traitor, etc., held that there could be an insult without an *onus* (burden of proof) or an *onus* without an insult, and that giving the lie belonged to the latter class (23). It was true, said Thonnina, that a *mentita* was a reproach; but it was tolerated by custom as the method of resenting an accusation (24). Alciato stated the following distinction between "insult" and *onus*: giving the lie threw upon the recipient the *onus* not when the purpose of giving the lie was to insult, but only when it was to resent an insult. At any rate, Alciato added, an accusation of lying was far less serious than an accusation of treason, parricide, sacrilege, or assassination. The evil of lying was only a question of private judgment. Lying was not a crime when done without malice or fraud or for the good purpose of saving the life of oneself or of others. So in many cases, he concluded, it was permitted by both human and divine laws (25).

Cottureau made other distinctions. It was true, he said, that the lie might be given only to resent an insult, but still it seemed to be an insult itself. Whether or not it was so, depended on whether it followed immediately upon the original insult, or long afterwards. If given immediately, it was deemed to be simply a resentment: if given long afterwards, each case must be decided on its merits. The general opinion, however, Cottureau said, was that answering an insult by giving the lie was not an insult (26).

But some writers held to the contrary. Socino said, to be sure, that the *mentita* was used conventionally by one who had been called a thief, a traitor, or a murderer; and he suggested that it might also be a way of showing that one did not plan to injure the other party, as by secret revenge: yet Socino held that it was an insult (27). In Giraldi Cinzio's *Ecatommiti* it was said that since man was created to speak the truth, "You lie" was equivalent to "You are not a man" (28).⁴ Slaps, beatings, or wounds, said Urrea, did not take away honor, for they affected only the body; but a *mentita* gave dishonor because it affected the soul (29).

Some authorities believed that giving the lie was a greater insult, moreover, than the accusation for which it was given. The reason for this was that a *mentita* was the most grave accusation of injustice (30). According to one of the characters in Giraldi Cinzio's *Ecatommiti*, giving the lie cancelled every offense, however serious, that one had received (31). Of two people who had previously enjoyed a good reputation, said Zuccolo, if one, having stated that the other was a traitor, was thereupon given the lie, he was presumed to be false until he gave proof (32). According to Romei, a man who had offered an insult and had been given the lie must prove his assertion: else he was infamous (33).

There was discussion as to whether giving the lie was prevented from being an insult by the addition of the words "saving your honor" or "saving your grace." Valle supported the affirmative (34), and Socino said that because of such expressions the insult was lessened.

⁴ Aristotle had said with regard to the high-minded man:

"He will, of course, be open in his hatreds and his friendships, as secrecy is an indication of fear. He will care for reality more than for reputation. Accordingly he will tell the truth." (*Ethics*, pp. 117-18).

But according to others, to say "You lie, saving your grace" (or "saving your honor") was a contradiction and was of no value (35). It was true that if one gave the lie in the presence of a lord, this was an insult to the latter, unless the speaker added "saving the grace of the lord"; but this phrase did not prevent an insult to the man to whom the lie had been given (36).

Whatever might be the theories, the fact remained that since giving the lie was a regular provocation for the challenge to a duel, it was more effective than all other words or acts. This was because by giving the *mentita* the insulted party shifted the *onus* from himself to his accuser. Although some held that this effaced the original insult, strictly speaking the state of shifted *onus* was only temporary: in the meantime the *onus* of the original accusation was not really removed, but only suspended until the whole matter was settled, whether by a duel or otherwise (37).

The *mentita* was discussed under two methods of division: it was either absolute or it was conditional, and it was either general or it was specific. These classes might overlap one another. The absolute *mentita* was used when the insult had been unmistakable (38). In such a case it was not sufficient to say "I think that you lie" (39); for the absolute *mentita* was some such expression as "You have said so-and-so: you have lied," "You spoke against my honor: you lied," or simply "You lied." Since the last two statements did not specify the lie, they were also general. The conditional *mentita*, as opposed to the absolute, made an accusation only in case that a given hypothesis was true (40). The condition, moreover, might be merely implied. For example, "Take your

sword, so that I may show you that you are a liar" meant "If you take your sword, I will show you," etc. (41).

The conditional *mentita* was in some cases considered valid. If, for example, there was a doubt whether one who had given an insult was considered honorable, the other party ought to say: "If it is not against my honor to contend with you, you lie" (42). The condition, moreover, might refer to the fact of the offense, as in the statement, "If you said so-and-so, you lied." Although this suggested a doubt that the other party was capable of the alleged insult, and hence implied a certain esteem, yet in general such a *mentita* could not be ignored (43).

But there were other cases in which it was invalid. In the first place, the expression "If you say, etc., you lie" was merely a foolish insult unless the speaker had heard that the other party had spoken the words in question; and it was still more foolish to say: "If you have spoken evil of me, you have lied; and you lie if you deny that you have spoken evil of me." According to Muzio, moreover, the conditional *mentita* was invalid if one after receiving it did not remove the condition by repeating the statement for which the *mentita* had been given (44).

It was also considered invalid if it referred to the future: "If you should say, etc., you would lie." So a certain Spaniard was over-solicitous when he sent for a notary and in the presence of many gentlemen caused to be written down that whoever under any pretext should either directly or indirectly speak against his honor; whether in his presence or in his absence; with words either plain or obscure; the same would be a liar.

A reference to the future caused a conditional *mentita* to be invalid, moreover, even if there was also reference to the past. So it was useless to use the formula, "As

many times as you have said, say, or will say, etc., so many times you have lied, lie, and will lie" (45).

The general *mentita* was general either as to the person or as to the insult. It was the former when one used such words as "Whoever has said, etc., has lied." A *mentita* was general as to the insult when it was the latter which was not specified, as "You have spoken against me: you have lied" (46).

This distinction led to the division of general *mentite* into three classes. The first was general as to both the person and the insult; as "All those who have said any kind of evil about Pompey, lie." The second class was general as to the person and specific as to the insult; for example, "Everyone who says that Pompey fled in the battle, lies." The third class was specific as to the person and general as to the insult; as "Caesar, you lie in whatever you have said against me" (47).

There was discussion as to whether the general *mentita* was valid. It was often held to be so when it was general as to the person, but not when it was general as to the insult, unless the falsehood which it charged was known to third parties (48).

The *mentita* which was general as to the person was considered necessary either when the speaker did not know which individual had given the insult, or when it had been given by more than one. A man might use this kind of *mentita*, moreover, even if he knew who was the offender; but in this case he should ordinarily give the latter's name (49).

The *mentita* which was general as to the insult was usually invalid, because it was likely to result in confusion (50). So if one having heard that another had

called him a thief, simply said to him, "You have spoken evil of me: you have lied," and the second party had not called him a thief but had made against him some other accusation, then the second party could reply, "I have truly said so-and-so: you lie in saying that I lie." Since this last *mentita* was valid, it threw the burden of proof upon the first party, and it was now too late for him to utter a valid *mentita* by saying, "You have said that I am a thief: you lie" (51). Some held, however, that a *mentita* was valid if it made accusation of offenses which although not specified were universally ignominious, such as treason. So one might say, "You have spoken treasonably: you lie" (52).

According to public opinion, finally, it was not necessary to be specific as to either the person or the insult (53). The theory was that the general *mentita* not only included a specific one, but also, being more comprehensive, gave to the recipient greater dishonor (54).

The specific *mentita* was generally considered valid. But this was not the case if the accusation which it contained was based on insufficient evidence (55).

Besides these matters of language there were other considerations. For example, the *mentita* was generally given in the same manner — whether face to face, or otherwise — as the insult which had provoked it. So if the insult had not been given face to face, the *mentita* might be published or given in the presence of witnesses. But although if the insult had been written it would be proper to reply in the same way, yet it was more knightly to answer face to face. Whatever might be the manner, however, the *mentita* must be given with neither

more nor less advantage over the opponent than that with which he had given the insult (56). But on the one hand, a person should not take advantage of another by giving him the *mentita* in a place where it could not be resented, such as in the presence of a lord; and on the other hand, one should not give the *mentita* without having means of self-defense (57).

If a man had been unmistakably insulted, furthermore, he must give a denial immediately (58). There was an exception, however, if the insult had been given unfairly; for example, in the presence of a prince or other lord. In such a case, some feigned not to hear the insult, but gave resentment as soon as they were out of the lord's presence (59). But instead of this, one in the presence of the lord could give the lie modestly; and it was said that the lord ought to be more tolerant of this than of the preceding insult given in his presence (60). Examples of such modest, but valid, *mentite*, were: "I reserve the right to give you a suitable answer," "I give you the reply which is suitable to you" (or "which is suitable to my honor,"), "This place answers for me," "The presence of the lord gives you my answer," "The offense is not to me but to the lord and the place," "When I am away from here I shall give you a fitting answer"; or the offended party might say that the insult was due to a mistake and that he would maintain his denial when he should be free to do so (61). But although the one who was really insulted was the lord, the man at whom the insult was directed should resent it as soon as possible. He could give the lie in the presence of knights or other gentlemen. It was

said to be better, however, first to ask permission of the lord (62).

In connection with the *mentita*, there was discussion of certain specific cases. For example, since all were presumed to be equally men of honor, giving the lie was invalid as a reply to the words "I am as good as you, or better"; but by the same reasoning it was a valid reply to the statement "You are not as honorable as I." It was also valid in reply to one who had claimed a quality which was not presumed for all men, but which was only acquired; for example, if a man of mean birth should say to a gentleman, "I am as noble as you." This was not only a violation of good manners, but also a reflexion upon the gentleman (63).

A further case appeared when it was questioned whether a given person had done his duty. Another's declaration to the contrary was a provocation for a valid *mentita*. But when one said that he had not failed in his duty, and another replied "You lie," this was not valid, since it was vain and captious (64).

There was difference of opinion as to whether the *mentita* was valid in answer to words which stated mere opinions. On the one hand, Pigna said that the *mentita* could not be given to one who had said "I think that you have acted badly," or "I believe that you have deceived me" (65). On the other hand, Attendoli had held that the *mentita* was a valid reply to the words "I believe that you did such-and-such an evil act"; because such a belief concerning a man was opposed to the presumption that he was honorable (66). Somewhat similar was the case of

one who had been called a "beast." He could validly give the lie, although the accusation which had been made against him was capable of neither proof nor disproof (67).

The *mentita* was not a valid reply to alleged words which had been disavowed. If one denied having made a certain statement, another could not reply "You lie"; for the denial was equivalent to retraction. If, moreover, one sought to give the lie by saying, "You said so-and-so: if you deny saying it, you lie," this would be invalid; for the second party's denying having said it would be no insult and hence could not be given the lie (68).

A form which was invalid because it was foolish and unnatural was called the *mentita disordinata*. Such was a *mentita* given in reply to a question, as "Did you say so-and-so?" or "Did you not say so-and-so?" Other examples were: "If you wish to say so-and-so, you lie"; and, addressing one who had said nothing about the speaker's honor, "You lie if you say that I am not as honorable as you." There were also mentioned three actual cases. One was that of a man who, when someone had stolen his horse, expressed his resentment by saying that the thief lied in his throat. Another case was that of a certain gambler who, seeing that the bystanders were pleased at his losing, said: "Whoever wants me to lose, lies." As a third case, Urrea told of an acquaintance of his, a soldier, who, having lost his purse, said, "Whoever has taken my purse, lies" (69). Perhaps such *mentite* were used so that in case of a duel the person who had spoken them would be the challenged party and hence have the choice of arms.

THE REPLY TO THE *MENTITA*

One who had received a *mentita* could not honorably ignore it if it had been given face to face, or if he was not sure that his accusation which had been given the lie could be proved (70). But he might deny that he had given an insult. Since this denial was equivalent to retracting, the other party should not adduce the testimony of those by whom the insult had been reported, but should drop the matter. If, however, the denial was made in the presence of the one who had reported the insult, the matter must be taken up by him. In case that this witness could prove his statement, the party who had given the insult was disgraced; but if the witness could not offer proof, he must give the lie to the party who had disavowed the insult (71).

There was another case in which the offended party was not obliged to resent a *mentita*, at least until it had first been resented by another: the offense of a *mentita* given to a guest at the home of his host, fell chiefly upon the latter. He, therefore, after asking the offender to leave, must be the first to demand reparation (72).

Supposing, however, that a *mentita* was to be resented by the person at whom it was directed, there was difference of opinion as to how the resentment should be expressed. Some held that one must use physical violence, and the common people believed that the stain of the *mentita*, even with the addition of the words "saving your honor," could be effaced only with weapons (73). Of the writers, some thought that the *mentita* might be properly resented by giving a blow. Corso held that the *mentita* could not be sufficiently answered by merely an insulting gesture or an attempt to strike; for

such an action merely equalled the *mentita*, because both the action and the *mentita* offended the honor of the body and of the soul. A blow, however, not only did this, but in addition it offended the body physically (74).

Other writers, however, held that the blow was invalid. One reason was that the party who thus inflicted punishment thereby constituted himself a judge. A blow could not prove, moreover, that he had told the truth. According to Landi, furthermore, when one dealt a blow in return for having been given the lie there were two quarrels; one as to the *mentita* and the insult for which it was given, and the other as to whether the blow was just. The former quarrel, however, had to be settled first, and the decision with regard to it removed every quarrel which depended upon it.⁵ The giver of the blow, Landi added, weakened his cause in several ways: the blow, far from proving the truth of his accusation, implied that it was false; it prevented the proper settlement of the quarrel which he himself had begun; and it showed that he had more confidence in violence than in reason (75). Urrea held that a *mentita* was not removed by beating, wounds, or death: killing, above all, destroyed forever the chance to regain honor; for it could be restored only by the one who had given the lie (76). Zuccolo rejected the validity of the blow by remarking that after a man had been given the lie his hands were, so to speak, tied; and furthermore, proof did not come from a blow, but from ultimate victory (77). Romei said that not only did a blow fail to prove the statement which provoked the *mentita*, but moreover the giver of the blow was doubly liable, since he insulted by both word and act (78).

⁵ But as has been noted, this was not true for an insult of word other than the *mentita*.

Opinion differed as to whether one who had received a *mentita* should reply with words. According to Urrea, these were invalid; because he who had been given the lie was presumed to have lost his honor and hence to be capable of falsehood (79). But Pigna held that one could reply to the *mentita* with some such words as these: "Whether you have acted rightly or not, I leave to the judgment of the world"; or "I do not know to what extent your words said to me are reasonable." Such expressions, Pigna added, might so combine boldness with caution that they would lead the opponent to show whether or not he could maintain his *mentita* (80).

Assuming that one might reply to a *mentita* by the use of words, some of the writers justified, under certain circumstances, that form of the *ritorcimento* which consisted of one *mentita* in reply to another one (81). Muzio held that a person could be given the lie if he had spoken the *mentita* without sufficient grounds. This put upon him the burden of proof. For example, if one was given the lie for saying that he had not failed in his duty, this invalid *mentita*, being an insult, could be resented by another *mentita* (82). If one said, moreover, that a certain person was an honorable man, and a third party thereupon called the speaker a liar, this, since the first speaker had said nothing derogatory, did not validly give him a *mentita*; and since it was an insult, it might be resented by giving the lie. Thereupon the one given the second *mentita* must prove that the man who was the subject of the quarrel was not honorable (83).⁶ G. B. Possevino and Albergati noted that giving the lie about something which did not prejudice honor was not a valid

⁶ He was also liable to the person who had been called an honorable man (Fausto da Longiano, *Duello*, p. 129).

mentita; for it was not a defense but an offense: hence it could be cancelled by another *mentita*. For example, a man could utter a *mentita* in reply to his being given the lie for having said that it is day when the sun shines (84). Attendoli said that if one party had used the words "You have said so-and-so: you lie" and the other replied "I did not say it: you lie," this second *mentita* was valid, unless the first party could prove that the second had made the statement of which he was accused; for the presumption was that he had not made it (85). Urrea held that to the expression "You said so-and-so (or 'If you said so-and-so'): you lied," one could reply "Since I did not say it (or 'If you say that I said it'), you lie." If, moreover, a man said "In speaking evil of me you have lied, and you lie if you deny that you have spoken evil of me," the reply could be "You lie in saying that I lie if I deny that I have spoken evil of you." In either case the second *mentita* was valid, because the first one had been merely an insult (86).

But the validity of giving the lie as a *ritorcimento* was generally denied (87). It was invalid, said Alciato and Landi, because it was merely a subterfuge to avoid a duel, and moreover it would lead to an infinite number of vain words (88). Since, furthermore, lying is a form of fraud, Alciato cited the legal principle, *adversus doli exceptionem nulla est doli replicatio* (89). G. B. Possevino held that although a slap or blow which had been received was cancelled by one given in return, one *mentita* did not annul another; for one of the functions of a *mentita* was to bring to light the truth (90).

Further arguments on the same side of the case were given by Albergati. He said that an offense, to be sure, could cancel another one. Since a *mentita*, however,

was not an offense but a defense, it protected against a second *mentita* the party who had given the lie first: he was presumed to be a man of honor. Mutual *mentite* appeared to be valid, to be sure, if they were given about things which were different; as for example, if one party said "You have broken your word," the second party replied, "You lie and you are a thief," and the first party then said, "You lie." But in fact, the party who received the *mentita* first was incapable of replying with another *mentita* until he had proved the statement for which he had been given the lie (91).

The *ritorcimento*, finally, did not become valid by being coupled with an *ingiuria voltata*; since the latter was itself invalid. So one who had been given the lie for calling another an adulterer could not validly reply "You lie: the one who is the adulterer is you" (92).⁷

The sixteenth-century fame of the intricacies of the *mentita* was not confined to Italy. The "degrees" of giving the lie, for example, appear in the familiar words of Shakespeare:

"The first, the Retort Courteous; the second, the Quip Modest; the third, the Reply Churlish; the fourth, the Reproof Valiant; the fifth, the Countercheck Quarrelsome; the sixth, the Lie with Circumstance; the seventh, the Lie Direct. All these you may avoid but the Lie Direct; and you may avoid that too, with an 'If' ".⁸

⁷ The technical discussion of the *mentita* did not end with the sixteenth century. In 1623 Camillo Baldi, who was considered one of the greatest luminaries of Italy, published on this subject a work of eight hundred and forty pages. Maffei remarked that whoever can read all of this book will make no small test of his capacity. At the time when Maffei published his own work, moreover, in 1710, the mysteries of the *mentita* were found even in controversies of theology (Maffei, pp. 261-62, 452).

⁸ *As You Like It*, V, 4.

CHAPTER V

THE RESTORATION OF HONOR LITIGATION

Honor which had been lost as the result of an insult might in many cases be restored. The parties might resort to the duel, the discussion of which is too extensive to be treated fully in the present study; or they might appeal to the civil law, make use of arbitration, or negotiate directly with each other.

It was generally held that they should first seek not the dubious evidence given by the sword, but proof obtained peacefully (1); and to this end some of the writers advocated resorting to the civil law. They said that any other action was unjust (2), since the courts furnished the proper method of redress (3). According to Alciato, all lawyers had held that even one who had been challenged to a duel could choose the arbitrament of a court of law (4). Muzio noted that proof by law implied the exercise of that which is peculiar to man; namely, reason (5). To the argument that arms were invented before laws, Susio replied by a *reductio ad absurdum*: since according to Aristotle reason appeared later than the "vegetable soul" and the "animal soul," reason should not be used. Even if arms were the more ancient, moreover, they could be employed wrongly; but the laws, being derived from God, express the divine will (6). Zuccolo noted that if men should make a practice of appealing to the law, the difficulty of producing proof by means of witnesses, documents, etc. would tend to pre-

vent insults (7). According to Carbone, truth could be revealed not by the duel, which was based upon force and chance, but only by evidence and reason (8).

A further argument was based on the assumption that material possessions are less important than honor. This statement was used by Muzio, to be sure, as a plea for the duel: he held that the civil law should handle not questions of honor but those concerning property; for man, like God, of whom he is the image, cannot give his honor into the hands of another. But Muzio also believed that it was sometimes permissible for a man to fight a duel by means of a substitute. The inconsistency of these statements was pointed out by Albergati: the use of a substitute put one's honor into the hands of another. As for Muzio's theory of restricting the civil law to matters of property, moreover, Albergati noted that every dispute might be resolved into a question of honor. He asked, finally, by what authority Muzio could decree laws of honor: why should men accept the opinions of Muzio rather than the laws of their own princes? (9).

Opponents of the duel pointed out, moreover, the unreasonableness of rejecting the civil law with regard to the matters that were most important. Nobili, noting that for the sake of material possessions the law was invoked by grantees and even by kings, said that since property is less important than honor, there was all the more reason that questions concerning the latter should be settled according to justice (10). Zuccolo thought it strange that whereas men went to law for matters of property, they submitted to the uncertainty of the duel the more important question of honor: the latter above all others required decisions that were not doubtful (11). Albergati stated the case in this way: if the duel could

justly decide the most important questions, which were those concerning honor, much more could it determine matters of property; but this would destroy the civil law (12).

In the duel, moreover, some of the writers emphasized certain inherent defects. Since, in the first place, its issue was to a great extent the result of strength, skill, or accident, its decision, as compared with that of the civil law, was less likely to be just (13). In the opinion of those, moreover, who held that the duel was contrary to the law of nature, the injustice of such a decision was inevitable; and being unjust, it not only failed to restore the honor of one of the parties, but it destroyed the honor of both.

At any rate, said Carbone, the duel was unnecessary. If an insult was unknown to third parties, honor remained uninjured; and if the offense became known, the offended party showed sufficient regard for his honor by appealing to a court of law. The offender was thereby forced either to confess his offense or to deny it. In the former case, the offended party's honor could be restored by the judge; and a denial of the offense restored honor automatically (14).

Some of the writers, however, noted that the efficacy of the civil law was limited. If, for example, a man had been insulted by being called a coward, litigation could not prove his courage. Yet this virtue is essential to a good citizen. The law failed, also, if there were no witnesses or other sufficient proof; or if the magistrate lacked authority, as when an offender had fled from his jurisdiction (15). G. B. Possevino said that a legal suit was sufficient if it could be proved by witnesses that one had lied; but punishment by a court could not efface an

insult of act (16). Antonio Possevino held that one should bring before a magistrate that which could be clearly proved; but to take such action in other cases would cause the concealment of injustice. Opponents of the duel, to be sure, pointed out that its purpose was to prove something which was merely suspected; but Possevino replied that this was often true also of the law (17).

With regard to a specific case, that of a wife's adultery, there was discussion as to whether one should resort to both the law and the duel. According to G. B. Possevino, the husband's first step, in order to prevent the wife from inheriting his property, should be to accuse her before a magistrate; and then, if her paramour's conduct had been caused not by love for the wife but by contempt for the husband, the latter should challenge him to a duel. But Susio held that the offense of the paramour was less than that of the wife; and therefore if the magistrate could punish her, he could also punish him. Hence there was no need for a duel (18).

Resort to the law, finally, might be preferable to private peacemaking. According to Urrea, the law, although concerned primarily with the general welfare, was yet the most effective means for the restoration of an individual's honor; for its decrees received the greatest publicity (19).

In contrast with these various opinions which gave to legal procedure more or less approval, there were others which emphasized its defects. It was said to be inferior to the duel, for example, in the matter of origin. Although Fausto da Longiano maintained that it had the same source (20), others emphasized the priority of the code of honor. Bernardi reasoned as follows: virtue ex-

isted before law; all things have their contraries; that of virtue is vice, which includes insults; and hence these, which necessitate the code of honor, must have existed before law (21). Thonnina held that from natural law were born the code of honor and moral philosophy, and the latter was the source of civil law.¹ Hence the code of honor existed before the civil law (22).

Other objections to the use of legal redress were less theoretical. Nobili said that since honor is more valuable than life, magistrates who judged offenders in matters of honor ought logically to sentence them all to death (23). Speroni, noting that states were not made for the law but the latter was made for the states, and that the highest social virtue is justice, said that its administration by the law is variable and self-contradictory (24).

As an illustration of this fact, Bernardi mentioned the legal prohibition of the duel. Citing the opinion of Aristotle that for men who wish to live virtuously laws are not necessary, he added that they sometimes depart from the justice inculcated by nature. As for the laws which prohibited the duel, he noted that on the one hand, they varied according to the jurisdiction; and on the other hand, when their prohibition was absolute they were more inflexible than God, who has permitted duels for just causes (25).

Some specifically criticized lawyers and magistrates. Fausto da Longiano said that whereas under the code of honor one sought neither money nor favor but only the truth, legal counsel was generally sold, and in some

¹ According to the ancients, Saturn, who represented Philosophy, devoted himself to meditation and gave to his son Jupiter the law as a guide for men (Thonnina, p. 33).

cases a lawyer had given opinions for both sides (26). As for magistrates, Zuccolo noted that they were often corrupt, and hence unjust (27).

Speroni, who was a lawyer, held that evil was generally inherent in the laws themselves. He noted that the ignorant man can obey them perhaps better than can the scholar ; for to the former they are as if handed down from heaven, whereas the scholar may see their defects. They were ordained only to enable men to live together as citizens; and a good citizen is not necessarily a man who, by following the law of nature, is virtuous. Athens banished Aristides, Socrates, etc., who were superior to the civil law. The religious martyrs, finally, violated laws in order to obey God (28).

Fausto da Longiano contrasted the civil law with the code of honor. The jurisdiction of the former extended over only a small part of the inhabited world, whereas the laws of honor were binding upon all men. Since, moreover, the civil law failed to follow precedents, every litigation was maintained by numerous arguments on each side; but the code of knighthood, being based on the solid foundation of reason, could not change: it had been born at the beginning of time, and would live as long as the world (29).

One feature cited as an example of the defects of the law was the attempt to extort confessions from alleged criminals or from witnesses by means of torture. For this criticism there was the authority of Aristotle, who had said: "Witnesses are fully as likely to give false testimony as true under the compulsion of torture; whether by resolutely persisting in their concealment of the truth, or by readily making false accusations in the hope of getting off the rack the sooner" (30). Although

the principle of torture was one of the foundations of the theory of the duel, to be sure, the defenders of the latter institution claimed that its form of torture, as compared with that of the law, was more just. One reason for this was that since the ability to endure the legal torture depended on the victim's fortitude or his insensibility, the strong, even if guilty, bore the pain better than did the weak, even if innocent. The victory of a duellist, on the other hand, was due to his *virtù* or to fortune—that is, to God. One whom legal torture had proved to be innocent, furthermore, had certainly been given punishment which was unjust; and this was also true when torture was inflicted upon the witnesses of both sides. But in the duel God might cause the innocent party to be spared (31).

There was particular insistence that the law should not have jurisdiction over those who made a special profession of honor; namely, soldiers. With regard to these, Fausto da Longiano held that there was an insuperable objection to the law, in the fact that it was not flexible. Since it treated of only positive right and wrong, it did not consider the delicate *nuances* of honor (32). Alciato, although admitting that laws were based on reason, held that they must be disregarded when they were opposed by custom. This decreed that soldiers should be subject not to the rigor of the law, but to natural equity (33). Zuccolo answered the obvious objections that the permission of private redress in special cases would lead to abuse: he said that since the majority of men were cowardly and unjust, and would therefore continue to fear the law, honorable men might safely be permitted to take the law into their own hands (34). According to Romei,

fighting was considered more honorable than going to law (35). Mora, an officer in the service of the king of Poland, said that if soldiers were respected in Italy as they were in the former country, they themselves would exercise authority, instead of allowing a soldier to be imprisoned by some pedantic ex-shepherd, who had been made judge because in the home of a noble he had learned crudely to sign his name.² When people said that he maintained justice, they did not perceive that such justice had made Italy lose everything by filling it with bandits, confusion, and partisanship. Judges, to be sure, received their power from the prince; but whence was derived the authority of the latter? From the "paragraphs" of a doctor of laws, or from the valor of the soldiers who enforced respect for both the prince and his magistrates? One must not forget, Mora added, that the emperors received their power from the armies (36).

ARBITRATION

In general, the writers accepted the opinion of Aristotle, who, while admitting that disputes are not settled equitably by the civil law, yet deprecated resort to force, and advocated arbitration (37). The arbiter might be chosen from one of three classes: those who, if the case had been taken to law could have decided it because they possessed legal authority; priests, heads of religious orders, or other devout Catholics; or good men who knew not only the requirements of the Christian life, but also the theory and practice of knighthood.

² Literally, to draw a cross with his initials at the extremities of the lines. So even at the present time, an illiterate person may sign by making his "mark."

As for the first of these classes, Albergati noted that if the arbiter was a prince, he sought to show two facts; that the offender recognized his opponent as a man of honor, and that the offended party had done his best to make a proper resentment. If this latter fact was not evident, the prince could ignore the offended party's lack of courage, just as a physician sometimes conceals the seriousness of a patient's malady. By requesting that the offense be overlooked as a favor to himself, moreover, the prince might confer upon the offended party greater honor than if the offender apologized.

But some of the writers considered that arbiters chosen because of either their high civil rank or their piety were unsatisfactory. As for the former, the parties to the quarrel either doubted their judgment or resented their power. Arbitration by men of outstanding piety, on the other hand, was excellent theoretically; but since this method was adopted for religious motives, not all disputants were idealistic enough to accept it. So the best practical method for most cases was the mediation of the third class, the more worthy ones among the followers of the code of honor (38).³

The arbiter must act only as peacemaker. If he constituted himself a judge, he would lose the friendship of the party against whom he decreed: so it would be better for him if both the parties were his enemies; for his decision would make one of them his friend (39).

The peacemaker must consider three features; the offense itself, the circumstances under which it had been

³ Ferretti said that he had in his notebook as examples of this method, the records of at least a hundred cases, stating the names of the parties and witnesses, the place, date, and the specific manner of making the peace. He added that in none of these cases was the peace ever broken, and the parties became greater friends than they had been previously (p. 63).

committed, and the proper way to make peace (40). The offense itself in order to require satisfaction must have indicated that the offended party was despised. This was not considered to be the case if the offender was intoxicated or insane (41).

As for the circumstances, the offense was less serious when due to ignorance, duress, or anger: so the arbiter should consider the motive. Duress existed in the case of an offense given by order of one in authority, such as a commander in time of war. When the offender had been moved by anger, the arbiter should point out that if a quick temper was inherent in the offender's nature, he was the more excusable. In any case, however, peace-making was more difficult if the principals were relatives or had previously been friends (42). Of insults given by one who was physically or mentally infirm, or who was moved by anger, the less serious were those arising from infirmity, since these originated in the body. Of the insults caused by anger, the more serious were generally those arising from jealousy due to a love-affair. In this case, although the insult was slighter, to be sure, if the offender was young and his relations with the lady were close, yet here anger was considered less than in other cases a passion which is inherited: the seriousness of offenses was in inverse ratio to one's inherited tendency to commit them. But in order to be a mitigation, anger must have a reasonable cause, as when it was aroused in behalf of relatives or friends; and its duration must be brief. It was less excusable, moreover, if displayed not in one's home, in a tavern, or in a street, but in a church, in a public square, or at the court of a prince (43).

With regard to the manner of making peace, the arbiter should appeal first to the offender and then to the party offended. To the former he should make clear the nature of the offense, and the necessity of making amends. To the party who was offended, he should seek to mitigate the offense by emphasizing not the fact but the intention, not the part but the whole, not the temporary features but the permanent (44).

At any rate, the arbiter's purpose was that the offense should be minimized. He could ignore that which would offend the injurer without benefiting the party who had been injured; sometimes without the offended party's perceiving it, he might change the words of the insult, especially if they had not been very clearly uttered or heard; or, without either cancelling the offensive words or changing them, he might give to them a favorable interpretation. This he could do by showing that the offensive words did not express the speaker's thought, or that they could be interpreted in the light of what preceded or followed. He might suggest, moreover, that the insult was not heard or could not be resented; or that the offended party was on the point of maintaining his honor by giving the lie, but decided to grant to his opponent an opportunity to withdraw his words. The arbiter might point out, finally, that the alleged offender had not been insulting in his manner or tone of voice. In order not to remove the question from the domain of honor, however, the arbiter must be careful not to minimize the insult excessively, especially if the one offended had heard the words more clearly than had the bystanders, and above all if he had repeated them (45).

It was very important that the mediator, always careful to offend the two parties as little as possible, should

see to it that in making peace they employed similar words and those that were not offensive. There was difference of opinion as to whether one should use the word "pardon." Romei, suggesting that one might substitute the expression "I pray you to be my friend," held that the term "pardon" implied that the offended party was superior to his opponent and therefore had the power to punish him (46). According to Guazzo, on the other hand, the word "pardon" was necessary for the restoration of honor (47).

The peacemaker's efforts could have one of four possible results; dishonor for both the parties, dishonor for one of them, greater honor for one than for the other, or equal honor for both. The first of these, mutual dishonor, was of course to be avoided. It resulted, however, if the two parties misstated the facts; if, in case of a challenge to a duel, they refused to tell which one was the challenger; or if they refused to cease from mutual recriminations. If either party received dishonor, moreover, or if one received greater honor than the other, a reconciliation could not be permanent. Hence the problem of the peacemaker was to award to the parties equal honor (48). This was also to the interest even of the party who had been offended: otherwise he would be put on good terms with one who was dishonored. A man's honor was not furthered by the dishonor of his adversary (49).

According to the belief of the common people, but contrary to the opinion of Albergati, one who gave an insult thereby took to himself the good reputation of which he deprived the other party. So in the making of peace, equal honor was given to the two parties by means of taking from the offender the honor which he had ap-

propriated, and restoring it to his opponent. The latter was thereby supposed to be satisfied without seeking vengeance. He was compared to a tigress from whom one has stolen a cub: if the thief drops it, she does not attack him, but carries the cub back to safety (50).

NEGOTIATION BETWEEN THE PRINCIPALS

The quarrel might be settled, finally, by direct negotiations between the two principals. In the first place the alleged offense might be denied. In order to avoid an argument, moreover, the speaker might add that if he had uttered the words of which he was accused, he would have told a falsehood; or he might say, "At whatever time I may have done it, I acted wrongly." At any rate, denial was equivalent to retraction, and the latter was all that was demanded even in the case of a duel. So the party who had considered himself offended should drop the quarrel (51).

He received satisfaction, moreover, if the alleged offender confessed having spoken or acted wrongly. Pigna remarked that a man who replied to a blow by giving another did not have his honor restored as thoroughly as if he received an apology (52); and according to Albergati, one who gave satisfaction for an insult thereby effaced it, just as a singer caused his audience to forget his false notes if he afterwards sang correctly (53).

Yet public opinion demanded that for the sake of his own honor, the offender should not admit that he was in the wrong. A knight who did so, said Fausto da Longiano, lost his knighthood (54). According to Zuccolo, retraction, whether explicit or tacit, caused the offender to become dishonored (55).

Others, however, emphasized the duty of confessing and retracting. Since no man is without sin, said Muzio, confession gives no shame; and generous souls hold that confessing a fault, repenting, and making amends raise man above the beasts: sinning is human, reformation is angelic (56). G. B. Possevino held that a man who has done wrong should confess; for to defend an unjust cause is a great dishonor, and one can relinquish even an honor in order to receive a greater one (57). Antonio Possevino explained this by saying that no honor can be greater than that due to confessing one's wrongdoing, and he added that honor is not like money: if a man acknowledges a debt, he must also pay it; but for honor is it sufficient to confess (58). It is the duty of a man of honor, said Pigna, to withdraw an accusation that he cannot prove (59). Urrea said that only God does not sin and only the devil never repents (60). Albergati held that since the apology for an offense is an indication of the virtue not of the recipient but of the one who apologizes, he should do this for the sake of his own reputation. To attach ignominy to a knight, moreover, because of his retracting a slander would make his future good conduct of no avail. Every man, however bad, can reform; and the fact of retracting shows that slander is not one's habit. In answer to the statement of Fausto da Longiano, moreover, that a knight who retracted his words ceased to be a knight and became a plain citizen, Albergati replied that one who was not a good citizen could not be an excellent knight (61). The greater the wrong, said Torelli, the greater is the satisfaction given to the offended party by confessing it (62).

The apology could be received by the offended party either personally or through one whom he appointed as

his representative; but there was difference of opinion as to whether a representative could act for the offender. According to Corso, this was permissible only when the offense had been one of words, or of acts which were not serious. Landi, on the other hand, although he held that an apology given by the offender personally was more effective, did not limit the use of a representative; and Albergati said that even if the offender appeared personally, he could offer the apology by means of a representative, after which he could ratify it. In any case, if the offense had been public and between equals the apology must be given publicly (63).

The manner of apologizing was exceptional if the offended party was deaf or blind. In the former case, it was given in writing. In the latter case, the offended party touched with his hand the party who was apologizing, unless the latter was not the offender himself but his representative (64).

Landi mentioned two kinds of apologies with regard to their substance. When the accusation had been false, the offender could retract by "the contrary" (or by "contradiction.") So if he had said, "You are an adulterer and sacrilegious," he could retract by saying, "You are not an adulterer nor sacrilegious." The other method, which could be used whether the accusation had been false or not, was by "circumlocution" (or "amplification."). For example, one who had made a true accusation of a fault which was unknown to third parties, could apologize with such words as these: "I confess that I have erred in offending you with my words, of which I deeply repent; and I therefore say that I consider you an honorable man, and I humbly beg you to pardon me." Or he could simply say: "You are a man of honor and

are so considered." This was not a falsehood, for two reasons: first, the accused party might be an honorable man in the eyes of the world; and secondly, he might have striven to reform, in which case he was really a man of honor. If, moreover, the one who retracted did not know that the other party was honorable, yet it was more proper to think well of him than to think ill (65).

In confessing his fault the offender might plead extenuating circumstances, such as impulsiveness, duress, or ignorance. If, for example, he had mistaken the offended person for another (66), he should emphasize the fact that there had been no reason to give an affront to the offended party (67). A man might plead the excuse of ignorance, moreover, by claiming that he had merely repeated that which he had heard from a third party. After revealing something told him in confidence, for example, the offender should do everything possible to show that he had not been malicious (68).

There was difference of opinion as to whether he should also name his informant. Some noted that this restored the offender's honor; but Valmarana held that he should merely state the fact that he had been informed falsely (69).

A man might apologize, finally, for even a statement that was true. He must not, to be sure, retract it; but he could say that he regretted having given offense, and that he therefore asked for pardon (70).

In apologizing, one was not required to characterize the offense by words which were opprobrious. So in spite of the contrary opinion of some writers, it was not necessary to say that the offense was unreasonable or unjust (71). If it had been given with the parties on equal terms, moreover, the offender must not say that

he had acted badly and contrary to the spirit of a knight. He might make this admission, to be sure, if he had given the offense with unfair advantage; but in this case it was sufficient for him to state that the offended party had been defenseless, etc., and that if it had been possible he would have shown the proper resentment (72). Even if one's conduct had been treacherous, it was sufficient that this should be inferred. The offender should also avoid stating that he had acted *tristamente*: if the word meant "unreasonably," this was already implied; and if it meant "malignantly" or "treacherously," this would brand him as dishonorable (73).

There was difference of opinion as to the difficulty of annulling insults of act. It was easy to excuse such a slight offense as giving one a push, said Corso; but although insults of act nearly always proceeded from anger and an offender could annul angry words, yet he could not annul offensive acts which were serious (74). Muzio, Pigna, and others, moreover, held that acts could not be nullified by words. Pigna made an exception, however, with regard to an act done with unfair advantage: in this case it had not been in the power of the offended party to resent it. The theory seems to be that although offenses done with unfair advantage were more serious as to the offender, yet they did not stain the honor of the one offended: hence words could appease him (75). Some of the writers, furthermore, assuming that no act was insulting unless it was so intended, noted that this intention could be expressed by words, these might be cancelled by other words, and hence the latter could cancel also the act (76). To those who noted that a word could not cause an act not to have been done, Antonio Possevino replied that it was equally true that

a word could not cause a verbal insult not to have been spoken: yet although God alone can regard an offense as if it had never occurred, it was generally admitted that words could atone for words. Honor belongs not to the body but to the soul, he added, and the satisfaction that can be given to the soul is that of words. These also implied a pledge not to give offense in the future. So Possevino concluded that even if an offender surrendered himself into the hands of the offended party, he could not give satisfaction if he did not speak (77).

There were special problems with regard to cancelling serious insults of word. One difficulty was due to the fact that the form of peacemaking known as *remissione*, which will be discussed later, could generally be used only after insults of act (78). Yet one who had offended with words could say that he had mistakenly believed that his statement was true (79), or he could declare that he had not spoken for the purpose of offending (80).

One might at the same time, moreover, cancel offenses of both word and act. If, for example, one had struck and stabbed his opponent and had also given him the lie, cancelling the most serious offense obliterated them all (81).

The most difficult peacemaking was that after a *mentita*. Retracting this might, to be sure, restore the honor of the man to whom it had been given; but if he had failed to resent it because of cowardice, the case was not worthy of consideration. As for the party who had given the *mentita*, retracting caused him to appear lacking in judgment because of having given the offense, and timid because of retracting it (82). According to Landi, moreover, a *mentita* could not be revoked (83).

Others, however, held to the contrary. It was not true, said Alciato, that one who had been given the lie could not be satisfied with words, and that there must be a duel (84). Albergati suggested that if the *mentita* had been general, in the peacemaking it might be restricted; and if it had been specific, it might be expanded and thus made ambiguous. In either case, it could be kept from applying to the person who had thought himself to be insulted (85). The party who had been given a *mentita*, moreover, might himself cancel it by stating that he had told a falsehood jestingly, unavoidably, or out of kindness. He might, for example, have falsely told one who was seeking to kill another that the latter was not present. More difficult to excuse, however, were falsehoods told because of thoughtlessness, or because of habit, which indicated an evil nature (86).

According to some, the revocation of a *mentita* automatically cancelled any other offenses, whether of word or of act, with which it had been accompanied. If, for example, one having called another a thief and a liar, gave satisfaction for the *mentita*, the other party was thereby recognized as a man of honor and hence no thief (87).

For cancelling mutual offenses, one of which was a *mentita*, it was necessary to consider which of the two parties ought to take the initiative. It was generally held that it should be he who had received the *mentita*, for he had offended first. Some noted, moreover, that since the existence of a *mentita* depended upon the existence of the insult which had caused it, the retraction of the insult revoked the *mentita* automatically. Albergati held, however, that if one had given the alleged insult only as a jest, the other party should take the first step by say-

ing "Having understood that you spoke jestingly, I withdraw my *mentita*." As for the man who had received it, Muzio said that he, too, should apologize or retract; but Albergati held that it was sufficient for this party to accept tacitly the statement of his opponent (88).

The usual procedure for making peace after a *mentita* was as follows: the one who had given the lie asked the other to repeat his original statement; the latter did so and added his excuse, such as that he had spoken in anger; and then the first party withdrew his *mentita*, saying that he had thought that the other had spoken deliberately. So a man retracted a *mentita* only after his opponent had explained satisfactorily the words which had provoked it (89).

The preceding discussion has indicated that it was necessary for the offender to apologize; but according to some of the writers, this alone was not sufficient. Fausto da Longiano held that it did not restore honor, and that the peace which it was supposed to make was a mere patchwork (90). So in addition to apologizing, the offender must seek forgiveness by humiliating himself and honoring his opponent (91). This was particularly necessary if he had offended his benefactor (92).

An offender's self-humiliation, however, should not be excessive. Bernardi noted, to be sure, that such an attitude seems to have been enjoined by Aristotle; but Albergati replied that Aristotle had in mind the procedure in a court of law: honor, however, was a matter of public opinion (93).

As for the proper conduct of the party who had been offended, Muzio remarked that the most generous souls had always been willing to pardon (94). One who pardoned a repentant offender, said Landi, received four

satisfactions: the offender's confession; his repentance and sorrow; his humiliation in asking for pardon; and greatest of all, the honor and praise given to the offended party because of his magnanimity and justice. The latter quality, as well as the former, was shown in pardoning; because an offender's humility is a virtue, and every virtue is worthy of reward. So the offender's confessing his fault and making reparation was a penalty sufficient to satisfy a man who was reasonable. This was true even if he doubted that the offender's repentance was sincere: it was virtuous to give to a beggar even when one suspected him of being undeserving (95).

There was difference of opinion, however, as to whether, even if there were confession and reparation, one could pardon the taking of vengeance after a peacemaking. For such a case, the possibility of pardon was denied by Attendoli, who said that the offender should be severely punished by law, and branded with infamy. But Valmarana held that even this deliberate offense, than which there could be no greater treachery, should be pardoned (96).

In granting pardon there were certain details of method. For example, the offended party should not repeat the offender's apologetic words; for this would not show modesty, and would inflict upon the offender unnecessary humiliation. But there was difference of opinion as to whether one in accepting an apology should characterize the other party as honorable. In Guazzo's *Dialoghi piacevoli* it was stated that each party should say this about the other. Albergati, on the other hand, held that since the party whose honor needed to be restored was the one who had been offended, his characterizing his opponent as honorable was not only superfluous, but it

might also seem to imply that he himself was apologizing for an offense. Such words, moreover, could be prejudicial even to the offender; for since they were inappropriate to the present case, it might appear that they granted pardon for some other fault (97).

When pardon had been granted, peace was sometimes sealed by symbols of friendship. After the reconciliation of friends or relatives, for example, they should kiss and clasp hands. The former ceremony was a symbol for words, for these proceed from the mouth; the hands represented deeds; and clasping them indicated that the parties were united in spirit. The hand is the minister of the mind, said Corso; and the palm, being the part most tender, symbolized the tenderness of the heart. The right hand, furthermore, represented justice; for since Christ sits at the right hand of God, one's right hand represented religious faith, and the latter is the foundation of justice. If one was left-handed or crippled in the right hand, however, it was proper to offer the left one (98).

Another symbol of reconciliation was a mutual embrace. But the problem arose as to which party should make the first move. One of the interlocutors in Guazzo's *Dialoghi piacevoli* noted that, as in the case of the ceremony of marriage, the essential feature was not an action, but it was the utterance of certain words: so an embrace as a symbol of reconciliation was merely a voluntary expression of good will; and hence although whichever party took the initiative deserved the greater praise, the question of precedence was unimportant. But another speaker in Guazzo's book held that since embracing was a sign of pardon, if the offender made the

first move he would seem to ridicule the other party: so the initiative should be taken by the latter.

A further difficulty arose when the parties did not agree as to the manner in which an embrace should be given. If one of them insisted, for example, on embracing the other around the neck, the latter party might object to this procedure as implying his inferiority in rank. Another technicality was illustrated by the case of two artisans, who sought to be reconciled in accordance with the code of honor: the offended party, who had been wounded in the back, refused to embrace the offender, but insisted that the latter should embrace the former's back, and thus make atonement at the place of the injury (99).

In spite of external signs of affection, finally, the party who pardoned was not required to become intimate with the offender or to seek his company (100). If the insult had been malignant, moreover, the offended party should not be friendly to the offender until the latter gave evidence of repentance (101).

The previously-mentioned expressions of renewed friendship were hardly to be expected after the procedure which most of all required the offender's humiliation; namely, *remissione*. This was defined as a voluntary act by which the offender put himself into the power of the party who was offended, in order that the latter might inflict whatever punishment he pleased. This procedure was supposed to have originated from the doctrine, not only biblical but also attributed to Plato and Cicero, "an eye for an eye and a tooth for a tooth" (102).

Remissione seems to have been used only when the offended party was the offender's superior in rank. Punishment inflicted by one of higher rank than the

party who was punished was, to be sure, generally called *castigo*. But the latter caused the recipient to be dishonored (103); whereas *remissione*, which an offender accepted voluntarily, left the two parties in the same status as before the offense.

Since retracting insulting words was frequently a confession that the offender had lied, and hence no *remissione* could make him honorable, the latter procedure was, in general, applicable only after an offense of act. But it could follow an offense of word if the latter consisted of a threat to give physical injury. Since in this case the intention had been equivalent to an act, it was not sufficient to apologize: the offender must by *remissione* face a danger as great as that with which he had threatened the other party.

Remissione cancelled every injury of act, however serious; but it was not required for acts that were trivial. For example, one could simply apologize for an insulting gesture or the act of removing another's mask (104).

The principle of *remissione* was contrary to the spirit of the civil law; for by this act a man surrendered himself into the hands of his enemy. To the latter he subjected his whole will; so that he gave to his enemy the power of a father over his son, a prince over his subject, and a master over his servant. The position of the offender was like that of one presenting to a victorious prince the keys of a captured city (105). The offender might surrender himself and his sword to the offended party, confess to being a villain, and kneel and await punishment (106). In case the offended party was for some reason incapacitated from using his hands, the punishment might be inflicted by one whom he had appointed as his representative (107). The common class of the

votaries of the code of honor demanded, moreover, that the offender, when he threw himself at his enemy's feet, should wear about his neck a cord with which he could be strangled (108).

But the punishment which custom actually permitted was limited. The offended party might give a slap or a light blow with a rod, but he must not give a wound which could be fatal or could require a surgical operation: he must not break a bone or even lacerate the flesh. If, moreover, he did punish excessively, his victim might rightly offer resistance, just as one was justified in resisting a legal judge if he exceeded his authority (109). But Corso remarked that since a man who had slandered another's wife or killed another's son might obtain by *remissione* the sparing of his life, one who had threatened to give a blow should not complain if in *remissione* he was given a wound (110).

It was generally held that although *remissione* gave to the offended party the right to inflict punishment, he should as a rule refrain from doing so. Corso suggested, to be sure, that it might be well to give a blow if the offense had been committed secretly or had been such that it might cause the offender to boast (111): yet it was usually sufficient that the offended party should have the power to punish if he so desired. Speroni held that one should not inflict physical punishment if the offense had been involuntary, or if the offender had confessed it. In the former case, punishing his body would be similar to the act of one who should punish a piece of wood, rock, iron, etc. with which he had been assaulted; or who should take vengeance upon the dead, as in the story of Hector and Achilles. As for the procedure when the offender had confessed, punishing his body was unneces-

sary: although it had been the instrument of the offense, the confession had come from the soul; and since this includes the whole man, its confession should atone for the act of the body (112). According to Antonio Possevino, *remissione* was intended to take the place of a duel, the real purpose of which was not to inflict punishment; and the latter aroused further enmity. Even if one merely inspired fear, moreover, this neither brought about peace nor satisfied honor (113). Some of the writers said that inflicting injury except in self-defense was prohibited by both natural and civil law; and vengeance was supposed to be entirely foreign to *remissione*, the purpose of which was to make peace. To take revenge might also be worse than the other party's offense; for this had probably not been committed in cold blood (114). Punishment should usually be remitted, moreover, or should be very slight, if the offense had been done as a jest, with good intention, or because of duress or ignorance. Yet it would not be entirely unreasonable to punish even these offenses if they had been too great (115).

The less chivalrous devotees of the code of honor held, furthermore, that if the offender was not punished, at least by offensive words, there would be no restoration of honor; for the parties would be suspected of collusion (116). Yet a promise to inflict no injury might be given beforehand if the offended party was apparently not much superior to the other in rank. This procedure was called "conditional" *remissione* (117).

There were further details as to the conduct of both the parties. The one who had been offended should pardon generously: if such had not been his intention, he should not have given to the offender a false hope.

He should moreover not inflict upon the offender further humiliation by asking him why he had come. But in case there was such a question, the offender should answer it: he should not say "You know." The fact that he was received in this manner, however, showed that his resorting to *remissione* without foreseeing the consequences was an act of rashness. But the conduct of the other party was much worse (118).

There was the case, finally, of *remissione* after an offense which one had given at the instigation of another. If the offended party had in his power the man by whom the offense had been instigated, it was not necessary, in order to recover honor, to have also the actual offender (119).

Among the writers, *remissione* had both defenders and opponents. Corso, although he noted that it was contrary to civil law, which did not permit a man to judge his own case, held that since the offender had recourse to *remissione* voluntarily and was supposed to receive in it an offense similar to that which he had given, he did not lose honor. Albergati noted that men gave the highest honors by means of such acts as erecting statues, conferring crowns, etc.: this indicated, he said, that words are less effective than acts. He held that the honor of an offended party was restored either by his receiving honor from the offender, or by punishing him; and that after an offense which had been given without unfair advantage, *remissione* was as effective as an apology. Although admitting, moreover, that *remissione* was not applicable except in extreme cases, Albergati considered it to be the only method of peacemaking after an offense given to one who was the offender's superior

in rank: the latter's ignoring the offense was like neglecting a wound which might cause death (120).

But most writers regarded *remissione* with disapproval. Valle said that an honorable man who had given offense would not thus debase himself even if by so doing he could avoid a thousand deaths (121). Muzio objected to the offended party's insisting on full *remissione* (122). According to Bernardi, it was sufficient to apologize; and to those who claimed that a man satisfied his opponent's honor by apologizing in the course of a duel, Bernardi replied that the same method was still more effective when, there being no imminent danger, the apology was offered deliberately. But it was worthless when given by compulsion, as might be the case in *remissione*. The latter conferred upon the offended party no honor, moreover, if the offense had been done without unfair advantage (123). Pigna, opposing the theory that offenses of act could not be cancelled by words, said that no offense was grave enough to require *remissione*. Noting that the offender was generally despoiled of his arms and was sometimes given a blow, he held that men who so surrendered themselves were entirely base, and this humiliation did not restore their honor. As for the party who punished, he injured himself by having any dealings with one who was infamous. If, moreover, he punished a man who was defenseless, this was cruelty; and if he insisted upon *remissione* and yet did not inflict punishment, he showed pride and vanity (124). Landi said that *remissione* could not give to the parties equal honor. He noted, moreover, that the law of *taglione*, by which a penalty must be of the same nature as the offense, had been abolished; and he also gave this analogy: a man who had borrowed a sum of gold was not bound to repay

either with the identical coins which he had received, or with others made from the same gold or of the same weight; but he could repay with an equivalent sum of silver, etc. (125). *Remissione*, said Ferretti, generally caused more trouble than did the original quarrel; for the public believed that assurance of pardon had been given beforehand: hence the parties were blamed for collusion (126). Torelli held that even if the offense had been great and the offender was much inferior to the other party as to rank, yet the greater the offense the greater was the satisfaction received from the offender's confession of wrongdoing. Torrelli summed up the matter by saying that true vengeance consisted only of an enemy's humility; and true honor lay not in resenting offenses, but in being virtuous (127).

The two sides of the argument were presented in the *Rangone* of Tasso. One of the interlocutors held that if a man unjustly offended another of much higher rank, there should be *remissione*; because this was just and therefore honorable. The second speaker replied that an action may be just and yet fail to give honor to all parties, as when a criminal is punished by the law; and *remissione* stained the honor of the offender unless because of his social status he was already subject to the authority of the other party (128).

Up to this point we have considered chiefly the question of peacemaking after an insult given by only one of the parties; but even when there was no *mentita*, offenses might be mutual. The fact that they were given by each of the parties might, to be sure, not be apparent. But sometimes cases which were almost beyond the hope of peaceful settlement were adjusted, with honor to both parties, when the one who had received a notable offense

admitted that he had given some shadow of cause for it (129).

The man who gave satisfaction for the greater offense thereby annulled the lesser one which he had received. The parties resembled a group of gamblers who had agreed that the winner should restore the money to the player who possessed it at the beginning of the game. In order to do so, it was not necessary to return money to each person who had won, and then take it from him again: there was only one transaction. Similarly, the greater offender might simply restore the honor of the other party, and receive nothing in return (130).

As to which party should apologize first, it was generally held that it should be he who had first offended. So if an offense of act, such as a blow, had been provoked by the opponent's words, the party who should first seek reconciliation was the one who had spoken them (131).

As to the whole question of reconciliation, finally, there were some who rose above the plane of quibbling, into the atmosphere of Christian charity. For example, Muzio's meticulous insistence upon certain methods for restoring honor received a rebuke from his benefactor the grand duke of Tuscany, Cardinal Ferdinando de'Medici. Muzio had written to the latter a criticism of the manner in which he had made peace between two gentlemen. The grand duke replied that Muzio's attempt, by his characteristic subtlety, to thwart the peacemaking seemed impertinent; that his animus in the present case was due to vexation at having his "business" spoiled; that his writings fomented discord and scandal; and that his views were not becoming to a Christian so advanced

in years, who should give his attention to the welfare of his soul (132).⁴

The peace which was the goal of the idealists was described by Tasso. After having discussed such measures as the *remissione*, he characterized true peace as a deep, sweet, and divine silence, in which all offenses are passed over without a word and are all forgotten; that wonderful silence, as superior to every harmony which the angels make in praising the Creator, as the mystery of divinity is more luminous than the sun and the stars and every other light that is in the heavens. To the eloquent, the knowledge of this true peace will give words to calm all the scorn and all the passion of proud hearts. He added that even he himself, who spoke stammeringly, could by the grace of God have his tongue unloosed and his voice become so loud and so harmonious that all Italy would hear him and marvel, if only he could drown the memory of all offenses in the oblivion of the divine silence (133).

⁴ The chagrin caused by this letter, when Muzio was eighty-one years old, perhaps hastened his death, which occurred shortly afterwards (*Nuova Enciclopedia Italiana*, XIV, 1150).

APPENDICES

A. THE MEANING OF *VIRTÙ*

The Greek *arete* (from Ares, god of war), like the Latin *virtus*¹ (from *vir*, "man"), originally designated a quality distinctly masculine. Aristotle used *arete* in several senses. He held, for example, that virtue is divided into two general classes, the intellectual and the ethical. The former includes wisdom, intelligence, and prudence; the latter, liberality and moderation. The intellectual virtues are created chiefly by education; the ethical virtues, by experience. No moral virtue is implanted in us by nature, which gives us only the capacity to receive it: moral virtues are the result of habit (*Ethics*, pp. 34-35; Gierens, p. 17).

Aristotle held that their essential quality is moderation. So he defined virtue as "a state of deliberate moral purpose consisting in a mean that is relative to ourselves, the mean being determined by reason, or as a prudent man would determine it a middle state as lying between two vices, a vice of excess on the one side, and a vice of deficiency on the other, and as aiming at moderation in the emotions and actions." But Aristotle noted that one must not seek a "mean" for things which are always evil (*Ethics*, pp. 48, 55).

¹ Cicero said that ideal virtue, which includes prudence, justice, temperance, and fortitude, is nature perfected; or it is that spiritual state which, in accordance with nature, meets the demands of reason. It is identical with the virtue which is divine. But he noted that the virtue which is practical consists of valor and fortitude. To the Romans in general it meant patriotism. This consisted chiefly of valor in war; and virtue if exercised for the sake of one's country, might include even perjury. This had also been the conception of the Spartans (Speroni, *Della virtù*, p. 393; Gierens, p. 19).

He said, moreover, that there is a specific virtue in each individual. This he held to be true of even a child or a slave (Gierens, p. 18).

These conceptions, however, are those of a philosopher: Aristotle recognized that "virtue" had a different meaning in the minds of the common people. To them it signified the quality which caused one to be suited for the principal offices of the state (Gierens, p. 19). This virtue which depended upon public opinion consisted chiefly of a reputation for beneficence. In the words of Aristotle: "By virtue is meant, according to the popular idea, a faculty of providing and preserving good things and a faculty of conferring many great benefits of all kinds on all occasions." (*Rhetoric*, pp. 34, 60).

The beneficence which was most highly honored, finally, was that which revealed valor and justice.

"Assuming then, that virtue is a faculty of beneficence, we conclude at once that the greatest virtues are those which are in the highest degree serviceable to others. Accordingly none are so highly esteemed as valor and justice; the former being serviceable to others in war, and the latter both in war and in peace." (*Rhetoric*, pp. 60-61).

Men have usually not needed to be told the importance of valor: so Aristotle emphasized the value of justice. He said that the quality which is "virtue" if regarded absolutely as a moral state is "justice" if regarded in relation to society: "Justice . . . is complete virtue although not complete in an absolute sense, but in relation to one's neighbors." (*Ethics*, pp. 137-38). So he held that justice is desirable "as tending to promote the interest of the community at large." (*Rhetoric*, p. 42).

These various conceptions of Aristotle were echoed by Italian writers of the sixteenth century. Attendoli,

for example, repeated the statement that intellectual virtue results from education; moral virtue, from experience, which produces habit. He said that in the former class the greatest quality is prudence; and the latter class includes temperance, liberality, magnanimity, gentleness, gratitude, pity, fidelity, patience, constancy, modesty, truthfulness, sincerity, kindness, and friendliness (*Discorso*, pp. 21-23). According to Sardo, the intellectual virtues are due to education; the moral virtues, to the habit of acting according to reason (p. 32).

The latter statement, moreover, recalls the Aristotelian idea that virtue must be practiced as a matter of habit. Sabba da Castiglione said that just as it takes many coatings of wax to make a candle, so man is not virtuous from one act alone (*Ricordo* 86, p. 46). In the book of Patrizi, *virtù* is described as a certain habit of our will which always inclines us to do well (p. 34r). Urrea noted that according to philosophers, virtue is a certain habit of acting well from choice (pp. 120v-121r). According to Muzio, one must be virtuous not today or tomorrow only; but always, everywhere, and towards everybody a man must so act that virtue becomes his specialty (*Il gentilhuomo*, p. 195). It is not sufficient, however, said Speroni, to form the habit as a child learns to talk and to walk; that is, by imitation: virtue, like the learning of grammar, requires reason (*Della virtù*, pp. 391-92).

The writers emphasized also the insistence of Aristotle that moral virtue must observe the principle of moderation. According to Susio, virtue consists of moderation in the affections and the actions, according to what is proper and commanded by good laws (p. 21). Urrea described virtue as a mean between the extremes

of the passions. He moreover divided "means" into the absolute or "geometrical," and the relative. Six, for example, is the absolute mean between two and ten; but if ten remedies for an illness are too many and two remedies are too few, it does not follow that the correct number of remedies is six: here the mean depends upon the individual and hence is relative (pp. 120v-122r). With reference to seeking the golden mean, Muzio said that one must deviate neither to the right nor to the left; for according to "the Philosopher," virtue avoids extremes: it is the habit of moderation (*Il gentilhuomo*, p. 195). One of the interlocutors in Tasso's *Il Forno* said that the moral virtues are habits which avoid the extremes (p. 122). According to Sardo, reason, the source of the moral virtues, restrains excesses (p. 32).

As has been already mentioned, some expressed the Aristotelian idea of virtue as relative. Urrea described virtue as a habit formed reasonably and voluntarily and consisting of a "mean" as regards the individual (p. 122v). According to a statement in Tasso, *virtù* signifies perfection in relation to the object in which it exists. Good sight, for example, is the virtue of the eye; and heat is the virtue of fire (*Il Forno*, pp. 228-29). Sardo said that virtue in any object is the quality in which it is superior. So the virtue of fire is warmth; of a horse, it is speed; and of a family, it is that quality which makes it superior to other families (p. 31).

There were other conceptions which were different from those of Aristotle. The last-mentioned virtue, for example, is not the Aristotelian moral virtue which results from choice and is a matter of habit; but it is given

by nature (Tasso, *Il Forno*, pp. 122-23). Speroni, moreover, pointed out that a man's virtue is subject to various influences, such as the conduct of others, his age, and even the nature of his food: if this is moist and cold, it changes the "complexion" of the liver, and thus overcomes the propensity to anger. One's virtue is also affected by the stars. Yet these although they give an inclination, do not compel: man has free-will (Speroni, *Della virtù*, pp. 391-93).²

Another non-Aristotelian conception was that of a virtue which consists less in moderation than in versatility. A dominating principle of the life of the courtier, as depicted in the famous *Cortegiano* of Baldassare Castiglione, might be stated in the words of Rostand's *Cyrano de Bergerac*: "J'ai décidé d'être admirable, en tout, pour tout."³

But this idea of versatility did not satisfy everybody. Concerning the term *virtuoso*, one of the interlocutors in Muzio's *Il gentilhuomo* said that the word was used as loosely as the term *nobiltà*: it was applied to knights, scholars, or those who played musical instruments, sang, or sketched. As for a woman, *virtuosa* meant "accomplished."⁴ The speaker regarded such definitions as vulgar, confusing, and false (p. 194). True virtue, on the other hand, is essentially ethical. Speroni described it as that power, faculty, or instrument of a man's reason which teaches him to act rightly and prudently, in spite

² Socrates and Plato appear to have held, on the contrary, that virtue is a matter of chance. This idea, said Speroni, seems to be blasphemous, but has the merit of implying that virtue is not "natural": hence it is the gift of God (*Della virtù*, p. 394).

³ Act I, scene 5.

⁴ So Tullia d'Aragona (c. 1510-1567), poetess and courtesan, had been instructed in *le virtù*, by which were understood literature and other elegant arts (Bongi, I, 152).

of his appetites, for the purpose of returning a good soul to Him who created it (*Della virtù*, p. 394).

The writers sometimes employed *le virtù* to mean the cardinal virtues; prudence, justice, temperance, and fortitude. Such was the use of the term by Benavides (*Polymathia*, p. 233r).⁵ In the above-cited work of Muzio, *virtù* is described as a composite of the four "natural (cardinal) virtues". (pp. 194-95).

In the same book, moreover, virtue appears as the quality which makes one, even by the general standard of today, a gentleman. A *virtuoso* is there defined as a man governing himself by reason, who has deliberately formed such a habit of living uprightly that he does nothing to offend others or to dishonor himself. Noting that many lack inclination, opportunity, or natural fitness for the practice of arms or the study of literature, one of the interlocutors held that every man can possess *virtù*, as a result of which he will be continent, modest, not envious, loyal to his word, a friend of right and duty, a diligent performer of the things which concern him, faithful when entrusted with either money or secrets, a lover of truth and never departing from it, and neither mean-spirited nor rash. (pp. 146-47, 194-95).

Finally, Muzio's work refers to a special kind of *virtù* employed in war, the duel, etc. So by means of *la virtù* one captured a city, a contest in the lists tested *la virtù* of the heart, and a prince must possess *le virtù* of the soul (pp. 154, 262-63). Since in these passages "*la virtù* of the heart" apparently means the same as "*le virtù* of the soul," the singular and plural forms seem to be used

⁵ But since by "fortitude" he meant the spirit which seeks great things and despises petty ones, he seems to have had in mind "magnanimity."

without distinction; but as to the exact significance of this martial type of *virtù*, those who discussed the duel were not in agreement. Massa, noting the statement of G. B. Possevino that one should fight a duel by his own *virtù*, said that bodily strength is more characteristic of bulls and other animals: so Massa understood *virtù* to mean physical strength (pp. 13v-14r). But Antonio Possevino explained that his brother had referred not alone to strength and agility of the body, but chiefly to certain qualities of the soul; namely, judgment, sagacity, and valor (*Due discorsi*, p. 25; *Libro*, p. 25). Albergati said that G. B. Possevino may have meant moral habits, strength of body, or courage; but that probably he meant "power" (pp. 230v-31r). According to Sardo, human *virtù* is not of the body but of the soul (p. 32).

At any rate, the duel must display two qualities which were considered gifts of God: they are valor and strength (*forza*) (Thonnina, p. 37; Oliviero, *La Alamanna*, Bk. VII, pp. 156-78). But since the duellist must also have skill, perhaps his *virtù* may be described as a mixture of valor and ability.

B. THE ORIGIN OF KNIGHTHOOD

Some of the writers thought that knighthood was introduced by Romulus. They said that he did so by instituting cavalry, and they noted that by decree of Justinian the members of this branch of the Roman army were outranked only by senators (Thonnina, p. 27; Giraldi Cinzio, *Ecatommiti*, Deca. X, Novella 8, p. 214v).

But according to Urrea, knighthood was derived from the Nine Worthies, who bore the following coats-of-arms:

Joshua: three herons on a field of gold, and the motto "Snatch me, Lord, from my enemies." Judas Maccabeus:

a viper's head of gold on a field of red, with the motto "Who is strong like our God?" David: a harp of gold on a blue field, and the motto "God, in Thy name save me." Hector: on a field of red a throne of gold, on which sat a purple lion holding a club. The motto was "Power consists of wisdom." Alexander the Great: two black lions fighting on a field of gold, with the motto "Experience is necessary for knowing virtue." Julius Caesar: a black two-headed eagle on a field of gold, with the motto "To the strenuous and the magnanimous nothing seems great." King Arthur: three golden crowns on a red field, and three leopards. Charlemagne: a half eagle and golden lilies. Godfrey of Boulogne: a red band on a field of gold, black eaglets, and the cross of Jerusalem (pp. 102v-104r).

Sardo stated still another theory. He said that knight-hood had been first conferred upon those who fought in the public tournaments of the German Emperor Henry I (919-36); and the title "knight" had been given also to victorious duellists who, when the proof of an offense was uncertain and yet the matter must be decided, had fought not for revenge but for justice (pp. 63-64).

Mediaeval knighthood as a military rank originated after the dynasty of Charlemagne had been dethroned at the end of the tenth century, and was instituted to repress the violence of the petty lords during the feudal anarchy of the eleventh century. Each of the orders of knights was created by the pope, the emperor, a king, or some other lord. The earliest of these orders was that of the Spedalieri (Knights of St. John of Jerusalem), founded in 1048 and afterwards called the Knights of Malta. The order of the Knights Templars was established in 1118; the Teutonic (or Germanic) Order in

1190; the Order of St. Michael was founded by Louis IX of France; the Order of the Annunziata, by Count Amadeo of Savoy; the Order of the Garter by Edward III of England; and the Order of the Golden Fleece, by Philip the Good, Duke of Burgundy. The papal orders, according to Attendoli, were those of St. Peter, St. Paul, St. George, Loreto, and the Lily.¹ (Attendoli, *Duello*, p. 33r; Giraldi Cinzio, *Ecatommiti*, p. 214v; Coelli, p. 57).

¹ Attendoli added that although membership in these papal orders was often conferred upon men who were worthy, it was obtained by purchase (*Duello*, p. 33r).

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